

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
upon relation of
RICHARD BOWER, DISTRICT ATTORNEY
FAYETTE COUNTY and
EUGENE A. VITTONI, DISTRICT ATTORNEY
WASHINGTON COUNTY

VS.

NO. 1046 of 2019 G.D.

BELLE VERNON MUNICIPAL AUTHORITY,
TERVITA - ROSTRAVER TOWNSHIP SANITARY
LANDFILL,
ROSTRAVER TOWNSHIP SANITARY LANDFILL,
WESTMORELAND WASTE, INC.
WESTMORELAND WASTE CORP., AND
WESTMORELAND WASTE, LLC,

JUDGE LESKINEN

DEFENDANTS

2019 MAY 23 PM 12:16
FAYETTE COUNTY
PROTHONOTARY

FILED

CONSENT ORDER

AND NOW, this 23rd day of May, 2019, upon consent of the parties, this Honorable
Court hereby orders as follows:

1. The hearing scheduled for May 24th at 1:30 pm in Courtroom #1 of the Fayette
County Courthouse is continued for a period of 90 days.
2. The Defendants are enjoined from discharging into the Monongahela River any
effluent which contains contaminated chemicals from the Defendants.

TRUE AND ATTESTED COPY

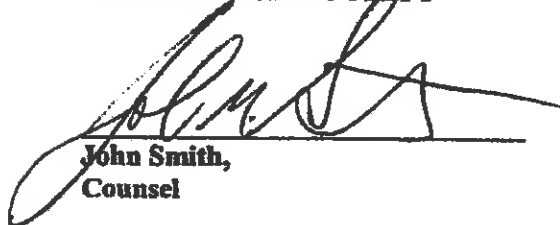
Anna Caruso
Prothonotary

3. The Defendants are additionally enjoined from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.
4. This Order shall remain in effect for 90 days. During this time period, the necessity for any written responses to the complaint will be held in abeyance.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order to be executed by their duly authorized representatives. The undersigned representatives of the Belle Vernon Municipal Authority and the Westmoreland Sanitary Landfill, LLC f/k/a Westmoreland Waste, LLC certify under penalty of law, as provided by 18 Pa.C.S. §4904, that they are authorized to execute this Consent Order on behalf of the Belle Vernon Municipal Authority and the Westmoreland Sanitary Landfill, LLC; and that the Belle Vernon Municipal Authority and the Westmoreland Sanitary Landfill, LLC consents to the entry of this Consent Order.

FOR THE:

**BELLE VERNON
MUNICIPAL AUTHORITY**


John Smith,
Counsel

**FOR THE COMMONWEALTH OF
PENNSYLVANIA:**


RICHARD BOWER
DISTRICT ATTORNEY, FAYETTE CO

**WESTMORELAND SANITARY
LANDFILL, LLC f/k/a
WESTMORELAND WASTE, LLC**



**Kit Pettit,
Counsel**



**EUGENE VITTONI,
DISTRICT ATTORNEY, WASHINGTON CO**

BY THE COURT:



STEVE P. LESKINEN, J.

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

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WESTMORELAND WASTE CORP., AND
WESTMORELAND WASTE, LLC

DEFENDANTS

CIVIL ACTION - LAW

No. 1046 of 2019 G.D.

JUDGE LESKIVEN

ORDER

AND NOW, this 17th day of May, 2019, upon

consideration of the Petition for Temporary Injunction, by Plaintiffs, Commonwealth of Pennsylvania, against Defendants, it is ORDERED that the Petition for a Temporary Injunction is granted. The Court finds (1) that the Plaintiffs have demonstrated a substantial likelihood that the Plaintiffs will succeed on the merits of their claims against the Defendants, (2) that the Plaintiffs will suffer immediate and irreparable harm if the Defendants' conduct remains unabated, (3) that the irreparable injury that Plaintiff's face outweighs the injury that the Defendant will sustain as a result of the immediate injunctive relief, and (4) that the public interest will be served by the granting of the immediate injunctive relief.

2019 MAY 17 PM 3:57

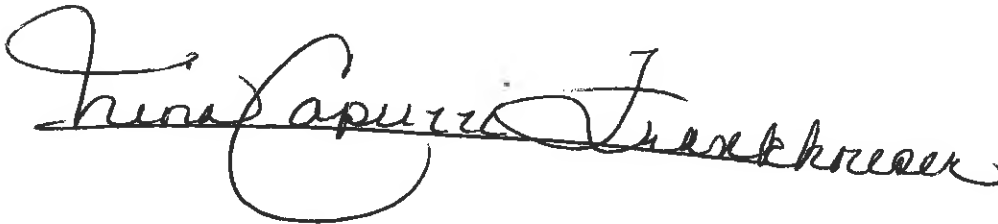
It is further ORDERED that the Defendants are enjoined from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants. The Defendants are additionally enjoined from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.

It is further ORDERED that a hearing on the Plaintiff's Petition for Injunction is scheduled for May 24th, 2019 at 1:30 o'clock p.m. before the undersigned in Courtroom One of the Fayette County Courthouse, 61 East Main Street Uniontown, PA 15401. The Defendant must appear or a Bench Warrant will be issued.

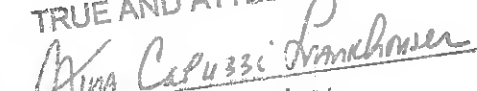
BY THE COURT:

Attest:


STEVE P. LESKINEN, J.



TRUE AND ATTESTED COPY


Prothonotary

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

County

For Prothonotary Use Only:

Docket No:

10460 of 201900

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name: Com. of PA - Richard Bower / Gene V. Hone

Lead Defendant's Name: Belle Vernon Mun. Authority

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney:

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☒ Other: INJUNCTION

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

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**COMMONWEALTH OF PENNSYLVANIA,
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LANDFILL,
ROSTRAVER TOWNSHIP SANITARY LANDFILL,
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WESTMORELAND WASTE CORP., AND
WESTMORELAND WASTE, LLC**

DEFENDANTS

CIVIL ACTION - LAW

No. of 2019 G.D.

JUDGE

TYPE OF PLEADING:
COMPLAINT

FILED ON BEHALF OF:
RELATORS:

By:
RICHARD E. BOWER, ESQUIRE
DISTRICT ATTORNEY FAYETTE
COUNTY
Fayette County District Attorney's
Office
Fayette County Courthouse
61 East Main Street
Uniontown, PA 15401
PA. I. D. NO. 36792

EUGENE A. VITTONI II, Esq.
DISTRICT ATTORNEY
WASHINGTON COUNTY
1 S. Main Street Suite 1003
Washington, PA 15301

Pa. Id. No 80778

TRUE AND ATTESTED COPY

Prothonotary

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,)	CIVIL ACTION - LAW
upon relation of)	
RICHARD BOWER, DISTRICT ATTORNEY)	
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WASHINGTON COUNTY,)	
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VS.)	No. of 2019 G.D.
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WESTMORELAND WASTE INC.,)	
WESTMORELAND WASTE CORP., AND)	
WESTMORELAND WASTE, LLC)	
)	
)	
DEFENDANTS)	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSE OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET, P.O. BOX 186
HARRISBURG, PENNSYLVANIA 17108
TELEPHONE: 1-800-692-7375

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

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WESTMORELAND WASTE INC.,)	
WESTMORELAND WASTE CORP., AND)	
WESTMORELAND WASTE, LLC)	
)	
DEFENDANTS)	

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

COMPLAINT

AND NOW, comes the Commonwealth of Pennsylvania by and through relators, Richard Bower, Esq. District Attorney of Fayette County and Eugene A. Vittone II, Esq. District Attorney of Washington County and files this Complaint, the following averments of which are as follows:

1. The Relator, Richard Bower is the duly elected District Attorney of Fayette County with an office address of Fayette County District Attorney's Office, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401.

Relator, Eugene A. Vittone is the duly elected District Attorney of Washington County with a business address of 1 South Main Street Suite 1003 Washington, PA 15301.

3. Defendant Municipal Authority of the Borough of Belle Vernon is a Pennsylvania municipal authority with a post office address of P.O. Box 181 Belle Vernon, PA 15012 and a physical address of 10 Main Street Belle Vernon, Fayette County, PA.
4. Defendant Tervita – Rostraver Township Sanitary Landfill, is a business entity at Tervita – Rostraver Township Sanitary Landfill, 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
5. Defendant Rostraver Township Sanitary Landfill has an address of 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
6. Defendant Westmoreland Waste Inc., has an address at 1428 Delberts Drive Monongahela, PA 15063.
7. Defendant Westmoreland Waste Corp. has an address of RD #3 Box 60 Monongahela, PA 15063.
8. Defendant Westmoreland Waste, LLC, has an address of 1428 Delberts Drive Monongahela, PA 15063.

JURISDICTION

9. District Attorney Bower and District Attorney Vittone are vested under the “Clean Streams Act” (35 P.S. 691.601- Abatement of Nuisances), to bring actions to abate nuisances which violate the Clean Streams Act.

BACKGROUND

10. Tervita operates a landfill situate in Rostraver, Westmoreland County, Pennsylvania.

11. This landfill accepts, in addition to normal refuse, cuttings from oil and gas wells drilled in Southwestern Pennsylvania.
12. These cuttings comprise many different chemicals including but not limited to oil, diesel fuel, phenols and other substances.
13. These cuttings are buried within the landfill.
14. When rain occurs, water will leach through the cuttings and become contaminated with the chemicals from the cuttings.
15. The Municipal Authority of Belle Vernon is a waste water treatment facility. The Municipal Authority has a contract with Tervita to accept this contaminated water.
16. The water, which is contaminated with the chemicals, is then collected in a pipe which transports the contaminated water to the municipal authority of Belle Vernon waste water treatment facility.
17. The authority has a NPDES permit to treat this water, and following treatment, discharges this water into the Monongahela River.
18. Communities in Washington, Fayette, Allegheny and Westmoreland all derive some water from the Monongahela River. The Monongahela River is the water source for many communities contiguous to the river including but not limited to Charleroi, Donora, Monessen, Monongahela, and Elizabeth.

FACTS

19. On or about August 16, 2018, the Municipal Authority of Belle Vernon notified Tervita by letter that analytical results of a sample of treated water was in violation of permitted standards for certain chemicals. (Exhibit "1" Letter from Walter Ziemba to Tervita which is attached and incorporated by reference thereto as if set forth fully herein).

20. The Municipal Authority investigated this situation and determined that Tervita was sending 100,000 to 300,000 gals/day of contaminated water to the Municipal Authority for treatment.
21. The ND PES permit issued to the Municipal Authority only permits 50,000 gals/ day of contaminated water to be treated at the authority.
22. An engineering firm hired by the authority determined that the excess volume of contaminated water flowing into the municipal authority for treatment rendered treatment of all waste water ineffective and consequently the authority was acting simply as a pass-through for the contaminated water on its way to the Monongahela River.
23. John C. Mowry, P.E., has found that, “[d]ue to the ongoing discharges, the Belle Vernon Municipal Authority cannot continue to comply with its NPDES permit which causes it to discharge various and unknown pollutants into the Monongahela River, which could serve to effect aquatic life and down river users of the river water for drinking water purposes.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
24. Mr. Mowry further opines, “[i]n my professional opinion, as the landfill has shown no ability to bring its wastewater into compliance, Belle Vernon cannot continue to accept leachate from the landfill, as to do so would result in continual effluent violations of its permit and ongoing discharges of pollutants into the Monongahela River, threatening the wellbeing of other downstream users of the river.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
25. Mr. Guy Kruppa, Superintendent of the Belle Vernon Municipal Authority, finds that “Although the Pretreatment System was implemented by Tervita, it was completely unsuccessful in treating Tervita’s waste such that its waste continued to contaminate

Belle Vernon's Treatment Facility causing Belle Vernon to continue to receive contaminants it was unable to properly treat before discharging it into the Monongahela River in violation of its NPDES permit." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

26. Mr. Guy Krupp further finds that "Belle Vernon performed additional testing and analysis of ... Tervita's waste stream which sits up gradient from the Belle Vernon Facility. That testing demonstrated that Tervita's waste stream was contaminated with diesel fuel constituents as well as oil and grease." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

27. The Municipal Authority repeatedly contacted the Pennsylvania Department of Environmental Protection about its concerns and in an e-mail dated January 4, 2019 was told:

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove any liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running- so they eventually should not be a problem for Belle Vernon. If your client. . . Since this is landfill leachate it will not go away if the landfill closes- so the state has some concerns here in reference to continuity of service for the wastewater.

(Exhibit #4- E-mail of Leone incorporated by reference thereto as if set forth fully herein).

28. On May 15, 2019, the Municipal Authority upon advice of counsel voted to terminate the contract with Tervita and cease accepting contaminated water from Tervita. This action

is to be effective of June 1, 2019. (Exhibit #5- Letter of John Smith, Esq. to Municipal Authority May 13, 2019 which is incorporated by reference thereto as if set forth fully herein).

29. In exigent circumstances, an ex parte hearing may occur, the result of which is an emergency preliminary injunction. Pa.R.Civ.P. 1531. Relators have no adequate remedy at law to redress the harm and injury that will be caused by Defendants continuing to introduce contaminated water into the Monongahela River, which is source of drinking water and recreation for many communities.

30. The law is clear that:

The essential prerequisites of a preliminary injunction are as follows:

- (1) The injunction is necessary to prevent immediate and irreparable harm not compensable in money damages.
- (2) Greater injury will result from refusing the injunction than from granting it.
- (3) The injunction restores the parties to status quo ante.
- (4) The activity sought to be restrained is actionable, and the plaintiff's right to relief is clear.

The Woods at Wayne Homeowners Assn. v. Gambone Brothers Construction Co, Inc.,
893 A.2d 196, 204 (Pa. Commonwealth Ct. 2006).

31. Upon information and belief, the actions of the defendants are in clear violation of the Clean Streams Act in permitting contaminated water to be introduced into the Monongahela River.

32. Without injunctive relief, the public will be harmed by the introduction of chemicals which are not being tested into the Monongahela River.


33. It is averred that several of the chemicals identified in the contaminated water are known carcinogens and are dangerous to humans.

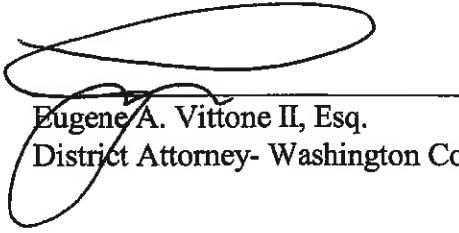
34. The Commonwealth's interest in protecting the citizens and ensuring the protection of the environment can only be achieved through the grant of injunction prohibiting defendants from releasing into the Monongahela River any contaminants from the Tervita Landfill.
35. The Relators have notified Chief Deputy Attorney General, Rebecca Franz, about this action.

WHEREFORE, the Plaintiff prays that this Court:

1. Preliminarily and permanently:
 - a. Enjoin the Defendants from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants.
 - b. Enjoin the Defendants from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.
 - c. Grant the Commonwealth of Pennsylvania such other and further relief as may be deemed necessary or appropriate.

Respectfully submitted,


Richard E. Bower, Esquire
District Attorney- Fayette County

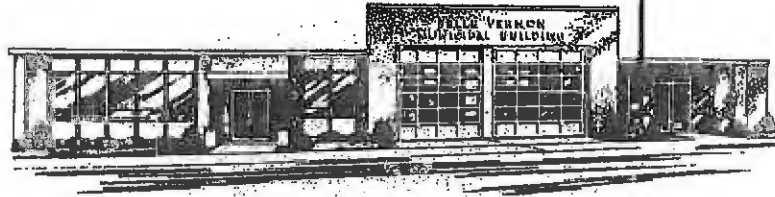

Eugene A. Vittone II, Esq.
District Attorney- Washington County

*The Municipal Authority of the
Borough of Belle Vernon, Pa.*

P. O. BOX 181

BELLE VERNON, PENNSYLVANIA 15012

PHONE (724) 929-8138



August 16, 2018
Ref. No. 571-04

Nick Stork
Tervita – Rostraver Township Sanitary Landfill
111 Conner Lane
Belle Vernon, PA 15012

Dear Mr. Stork,

**Belle Vernon Municipal Authority
Landfill Leachate Service Agreement
Notification of Effluent Violations and Pass-Through and Interference**

The Belle Vernon Municipal Authority is in receipt of your Form 50 Quarterly Municipal Waste Landfill Leachate Analyses, dated June 13, 2018, Sample ID 10027 for the MH-1 (LEACHATE) monitoring point. The analytical results submitted on the Form 50 Report indicate the sample was in violation of the following Acceptable Waste conditions of the Landfill Service Agreement between the Landfill and the Belle Vernon Municipal Authority dated April 4, 1994:

Unacceptable Wastes: ARTICLE I, (d), (4), (8), (10), and (e).

(d).(4). – Sufficient to cause interference in the operation and performance of the wastewater facilities.

The following parameters were measured at levels that exceed wastewater industry standards for the pass-through or inhibition of the activated sludge and nitrification biological process utilized by the Belle Vernon Municipal Authority:



*The Municipal Authority of the
Borough of Belle Vernon, Pa.*

P. O. BOX 181

BELLE VERNON, PENNSYLVANIA 15012

PHONE (724) 929-8138



Tervita – Rostraver Township Sanitary Landfill

August 16, 2018

-page two-

Substance	Reported (mg/l)	Inhibition Threshold (mg/l)
Ammonia – Nitrogen	631	480
Chloride	3400	180
Magnesium	143	50
Total Dissolved Solids	7000	1000
Barium	7.66	1

(e). – Wastes containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table:

Substance	Reported (mg/l)	Maximum Permissible (mg/l)
Total Phenols	1.02	1.0
Iron	0.3	22.7

**- indicates a surchargeable pollutant. Surcharge is to be applied for concentrations over 200 mg/l up to the Maximum Discharge Concentration.*

*The Municipal Authority of the
Borough of Belle Vernon, Pa.*

P. O. BOX 181

BELLE VERNON, PENNSYLVANIA 15012

PHONE (724) 929-8138



Tervita – Rostraver Township Sanitary Landfill
August 16, 2018
-page three-

The Belle Vernon Municipal Authority's Wastewater Treatment Plant has experienced pass-through and interference with its biological treatment process over the past several months, and has experienced violations of the effluent Ammonia Nitrogen limits of its National Pollution Discharge Elimination System (NPDES) permit for May and June of 2018. We also believe this pass-through and interference has been occurring well before our current monitoring period. In order to avoid any future pass-through, process interference, process inhibition or NPDES effluent limit violations the Belle Vernon Municipal Authority is hereby requesting that within **forty five (45)** days of receipt of this letter, that the Tervita – Rostraver Township Sanitary Landfill fully comply with the following discharge concentrations for discharge of the Landfill Leachate into the BVMA sanitary sewer system:

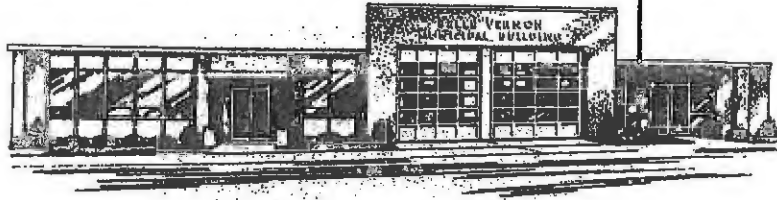
Parameter	Maximum Permissible Concentration (mg/l)
Phenolics, Total	1.0
Cyanide	0.02
Cyanate	0.02
Iron	0.3
Chrome III	0.5
Chrome VI	0.25
Nickel	1.0
Copper	0.2
Lead	0.2
Zinc	0.5
BOD5 (Biochemical Oxygen Demand)	300 *
Ammonia Nitrogen	300 *
Arsenic	0.1
Aluminum	25
Barium	1.0
Boron	50
Cadmium	0.5
Calcium	2500
Lead	0.1
Manganese	10
Magnesium	50

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Borough of Belle Vernon, Pa.*

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BELLE VERNON, PENNSYLVANIA 15012

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Tervita – Rostraver Township Sanitary Landfill
August 16, 2018
-page four-

The pollutants and the associated Maximum Discharge Concentrations apply to the permitted flow rate of up to 50,000 gallons per day.

Failure to comply with the aforementioned pollutant Maximum Discharge Concentrations within the next forty five (45) days will result in termination of service per the Discharge Service Agreement and no further discharge of Leachate will be permitted to the Belle Vernon Municipal Authority wastewater treatment plant until full compliance is documented with the BVMA.

This request is made under the terms and conditions of the existing Service Agreement to prevent Pass-Through, Process interference, Process Inhibition and to satisfy the NPDES Permit conditions of the BVMA NPDES Permit PA0092355. Please contact us to establish a compliance schedule for the next forty five (45) days.

Sincerely,

Belle Vernon Municipal Authority
Walter R. Ziemba
Chairman

NORTH BELLE VERNON
306 GRANT ST
BELLE VERNON
PA

15012-1400
4105560194

08/21/2018 (800)275-8777 2:08 PM

Product Description	Sale Qty	Final Price
First-Class Mail Letter	1	\$0.71

(Domestic)
(BELLE VERNON, PA 15012)
(Weight: 0 Lb 1.10 Oz)
(Estimated Delivery Date)
(Thursday 08/23/2018)
Certified 1 \$3.45
(@USPS Certified Mail #)
(7015152000043322388)

Total \$4.16

Credit Card Remitted \$4.16

(Card Name: Discover)
(Account #: XXXXXXXXXX9081)
(Approval #: 021108)
(Transaction #: 729)
(Entry Mode: Chip)
(AID: A0000001523010)
(Application Preferred Name: Discover Credit)
(Application Label: Discover)
(PIN: Not Required)
(Cryptogram: 1C0EED28D242DE1)
(ARC: 00)
(CVR: 1E0300)
(IAD: 0105608000000000)
(TSI: E800)
(TVR: 0000008000)

Text your tracking number to 2:777 (2USPS) to get the latest status. Standard Message and Data rate may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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For delivery information, visit our website at www.usps.com

BELLE VERNON, PA 15012

Certified Mail Fee \$3.45

Extra Services & Fees (check box, add fee for appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Restricted Signature Restricted Delivery	\$0.00

Postage \$0.71

Total Postage and Fees \$4.16

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9947 See Reverse for Instructions

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Postmark Here

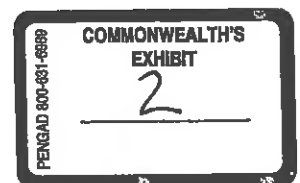
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AFFIDAVIT OF JOHN C. MOWRY, P.E.

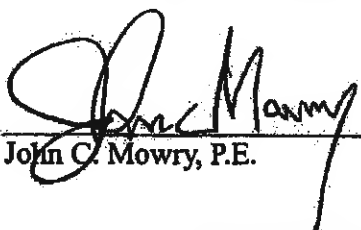
I, John C. Mowry, P.E., swear and affirm that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is John C. Mowry, P.E., and I hereby state that I am a licensed Engineer in the Commonwealth of Pennsylvania and I am currently employed by KLH Engineers, Inc. located at 5173 Campbells Run Road, Pittsburgh PA 15205.
2. I have been engaged by Belle Vernon Municipal Authority to provide engineering services related to ongoing operations at the Authority including compliance issues with its NPDES permit received from the Commonwealth of Pennsylvania.
3. As an Engineer for the Authority, I am aware that the Municipal Authority receives leachate from a sanitary landfill, currently owned by a facility known as Westmoreland Waste, Inc., with a permittee known as Tervita - Rostraver Township Sanitary Landfill.
4. Based on review of various Quarterly Form 50's, Municipal waste landfill leachate analysis provided from the landfill, the analytical results revealed that leachate provided to the Municipal Authority for treatment was and continues to be "unacceptable waste" sufficient to the cause interference in the operation and performance of the wastewater treatment facility.
5. Testing revealed that due to ongoing discharges by the landfill to the Authority that the wastewater treatment plant has experienced and continues to experience pass through and interference with its biological treatment process over several months resulting in Belle Vernon Municipal Authority violating its NPDES permit and discharging pollutants directly into the Monongahela River.

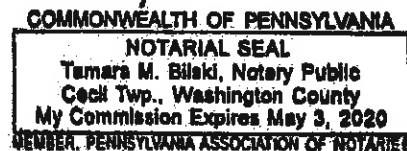


6. On numerous occasions, I met with landfill representatives and wrote letters advising that failure to comply with the contract by controlling pollutants would result in the Authority's termination of its contract pursuant to the terms of the Agreement and that no further discharge of leachate will be permitted to the Belle Vernon Municipal Authority wastewater treatment plant.
7. Ongoing testing revealed that the landfill continues to deliver leachate to Belle Vernon Municipal Authority in which parameters were measured at levels that exceed wastewater industry standards for the pass-through or inhibition of the activated sludge and nitrification biological process utilized by the Belle Vernon Municipal Authority.
8. Due to the ongoing discharges, the Belle Vernon Municipal Authority cannot continue to comply with its NPDES permit which causes it to discharge various and unknown pollutants into the Monongahela River, which could serve to effect aquatic life and down river users of the river water for drinking water purposes.
9. In my professional opinion, as the landfill has shown no ability to bring its wastewater into compliance, Belle Vernon cannot continue to accept leachate from the landfill, as to do so would result in continual effluent violations of its permit and ongoing discharges of pollutants into the Monongahela River, threatening the wellbeing of other downstream users of the river.

I swear and affirm that the contents of this Affidavit are true and correct to the best of my knowledge, information and belief.

By: 
John C. Mowry, P.E.

Sworn to and subscribed before this 17 day of May, 2019.



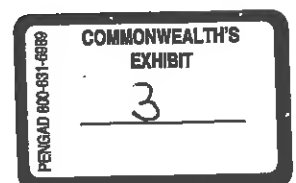
**AFFIDAVIT OF MR. GUY C. KRUPPA, BELLE VERNON MUNICIPAL AUTHORITY
SUPERINTENDENT**

I, Guy Kruppa swear and affirm that the following statements are true and correct to the best of my knowledge, information, and belief:

1. My name is Guy Kruppa. I am above the age of eighteen (18) years old and I am fully competent to swear to all matters contained in this affidavit.

2. I am currently the Superintendent of the BelleVernon Municipal Authority (Belle Vernon). Belle Vernon Municipal Authority is a Publicly Owned Treatment Works (POTW) located in Belle Vernon Borough, Fayette County, Pennsylvania upstream from the Charleroi Water Authority located in Washington County, Pennsylvania. Belle Vernon serves to take in and treat various types of domestic sewage. In this position I am tasked with the responsibility of ensuring that Belle Vernon operates its Facility pursuant to and in compliance with its National Pollutant Discharge Elimination System (NPDES) permit issued by the Pennsylvania Department of Environmental Protection (PADEP), NPDES Permit No. PA0092355. Under this permit, Belle Vernon is permitted to discharge, after treatment consistent with its NPDES permit, effluent directly into the Monongahela River. The discharge point into the Monongahela River from Belle Vernon's Facility can be seen in the photo attached as EXHIBIT A.

3. Among other sources of domestic waste, Belle Vernon has had a contract with Tervita/Rostraver Township Sanitary Landfill also known as Westmoreland Sanitary Landfill, LLC (Tervita), which upon information and belief is owned by Uniontown based Nobel Environmental Inc., to accept for treatment and ultimately discharge into the Monongahela River its waste leachate.



The Contract provides as does Belle Vernon's NPDES permit, that any waste sent to Belle Vernon's Facility by Tervita cannot cause Belle Vernon to violate the terms of its NPDES permit.

4. In the past, Belle Vernon has accepted waste from the Tervita without incident or causing Belle Vernon's effluent discharge to violate the effluent limitations set forth in its NPDES permit. However, more recently that has changed.

5. In the Spring of 2018, Belle Vernon's effluent discharge into the Monongahela River started to have exceedances of its NPDES permit limitations for multiple parameters, including but not limited to Ammonia-Nitrogen. As a result of these exceedances and consistent with the terms of its NPDES permit, I, on behalf of Belle Vernon Municipal Authority, electronically notified the PADEP by way of filing a Discharge Monitoring Report (DMR) of these exceedances. See EXHIBIT B. In addition, I also notified Belle Vernon Municipal Authority's Engineers, KLH Engineers, Inc. in order to determine the source of the exceedances of contaminants tested for in Belle Vernon's effluent discharge.

6. To determine the waste stream source causing Belle Vernon's effluent to violate its NPDES permit, the waste stream from Tervita was temporarily shut off to Belle Vernon's treatment facility. During that shut down which lasted for approximately two weeks, Belle Vernon Municipal Authority sampled its effluent stream without any waste stream from Tervita entering the Belle Vernon Treatment Facility. Results of that sampling demonstrated that without any of the Tervita leachate entering the Belle Vernon Treatment Facility, the Facility was able to once again come into compliance with its NPDES and not exhibit any exceedance of any contaminants at all.

7. Once Belle Vernon was able to determine that it was the Tervita's waste stream that was causing Belle Vernon's effluent discharge into the Monongahela River to violate the terms of its NPDES permit and discharge pollutants at unacceptable levels, Belle Vernon through myself

and its engineers KLH Engineers contacted Tervita to advise them of our determination and ask that it start treating its waste before discharging it to Belle Vernon's Facility so that Belle Vernon would not continue to violate its NPDES permit. Although Tervita initially indicated it would do something to mitigate the contaminants in its waste stream before discharging it to Belle Vernon, Tervita took no such action. As a result Belle Vernon's Engineers, wrote to Tervita advising them that they would shut off the its waste stream if it did not properly pretreat its waste before discharging it to Belle Vernon's Facility. See EXHIBIT C . Having not received an adequate response from Tervita, KLH Engineers continued to write and speak to Tervita about treatment of its waste stream prior to its discharge to Belle Vernon's Facility to no avail. See EXHIBIT D. Tervita made no attempts to treat the contaminants in its waste stream that were causing Belle Vernon's Facility to continuously violate its NPDES permit which it continued to report to the PADEP. See EXHIBIT E.

8. As a result of Tervita's inaction, I on behalf of Belle Vernon contacted the PADEP to have them assist in making Tervita treat its waste prior to discharging it to Belle Vernon's Facility. After several months of discussion with the PADEP and Tervita, the PADEP granted Tervita a Pretreatment System Permit for its waste stream to implement to treat its waste before sending it to Belle Vernon's Facility. Although that Pretreatment System was implemented by Tervita, it was completely unsuccessful in treating Tervita's waste such that its waste continued to contaminate Belle Vernon's Treatment Facility causing Belle Vernon to continue to receive contaminants it was unable to properly treat before discharging it into the Monongahela River in violation of its NPDES permit.

9. Once again, Belle Vernon turned to the PADEP for assistance with the contaminated waste stream it was receiving from Tervita. However, instead of providing a legal and workable solution to this problem the PADEP instead suggested that:

"Our waste management folks have talked to the landfill about entering into a COA (Consent Order and Agreement) where the landfill (Tervita) will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn, Belle Vernon would need to let the landfill stay connected to their system. The landfill is in the process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further, before we have an overall meeting with all parties, let me know. Since this is landfill leachate, it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater."

See EXHIBIT F.

10. Recognizing that the PADEP's solution was not workable nor served to correct the issue and protect downstream consumers and users of the Monongahela River, Belle Vernon Municipal Authority voted to employ the law firm of Smith Butz as special counsel to offer a legal opinion as to what Belle Vernon's options were to correct this situation and come into compliance with its NPDES permit. To aid in that opinion Belle Vernon performed additional testing and analysis of it Tervita's waste stream which sits up gradient from the Belle Vernon Facility. That testing demonstrated as that Tervita's waste stream was contaminated with diesel fuel constituents as well as oil and grease. See EXHIBIT G. After receiving those test results and as requested to do Smith Butz provided its legal opinion recommending that Belle Vernon to shut off Tervita's waste stream to its facility. See EXHIBIT H.

11. Thereafter, on May 15, 2019, concerned and provided with no solution from the PADEP which would stop the flow of contaminates from the Tervita Landfill to Belle Vernon's Facility and in recognition of Belle Vernon's inability to effectively treat and eliminate all of the contaminants contained in Tervita's waste at its facility before discharging it into the Monongahela River thereby rendering it a pass through facility, The Board Members of the of the Municipal Authority of Belle Vernon voted to terminate its contract with Tervita and shut off it waste stream to Belle Vernon's facility as of June 1 in order to stop Belle Vernon's facility for being a mere pass through for contaminated waste to enter the Monongahela River and to stop untreatable contaminated waste from entering into the River and effecting downstream users in Fayette and Washington Counties.


Guy C. Kruppa

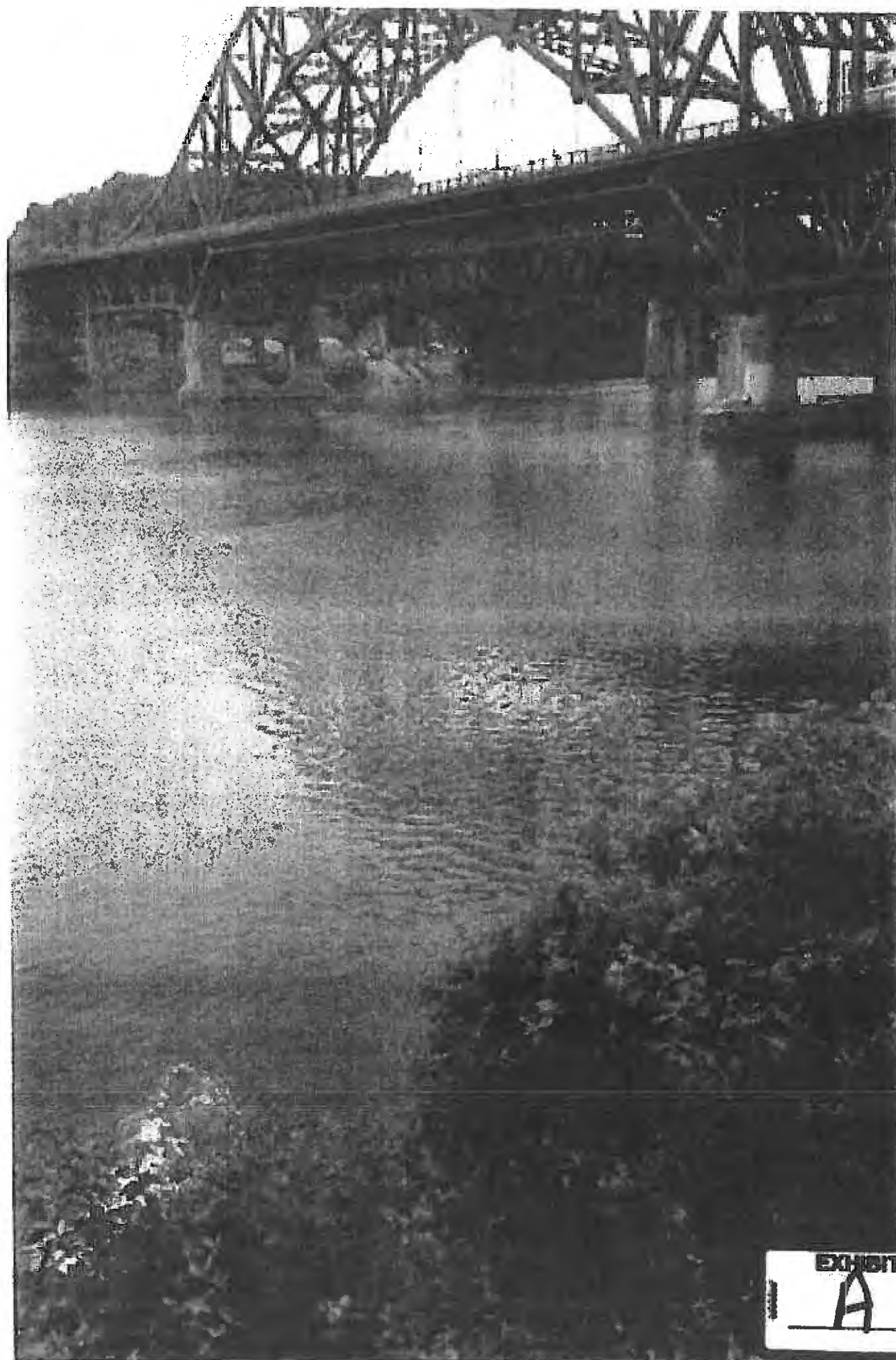
Sworn to and subscribed before this

17

day of May 2019
~~September, 2019.~~

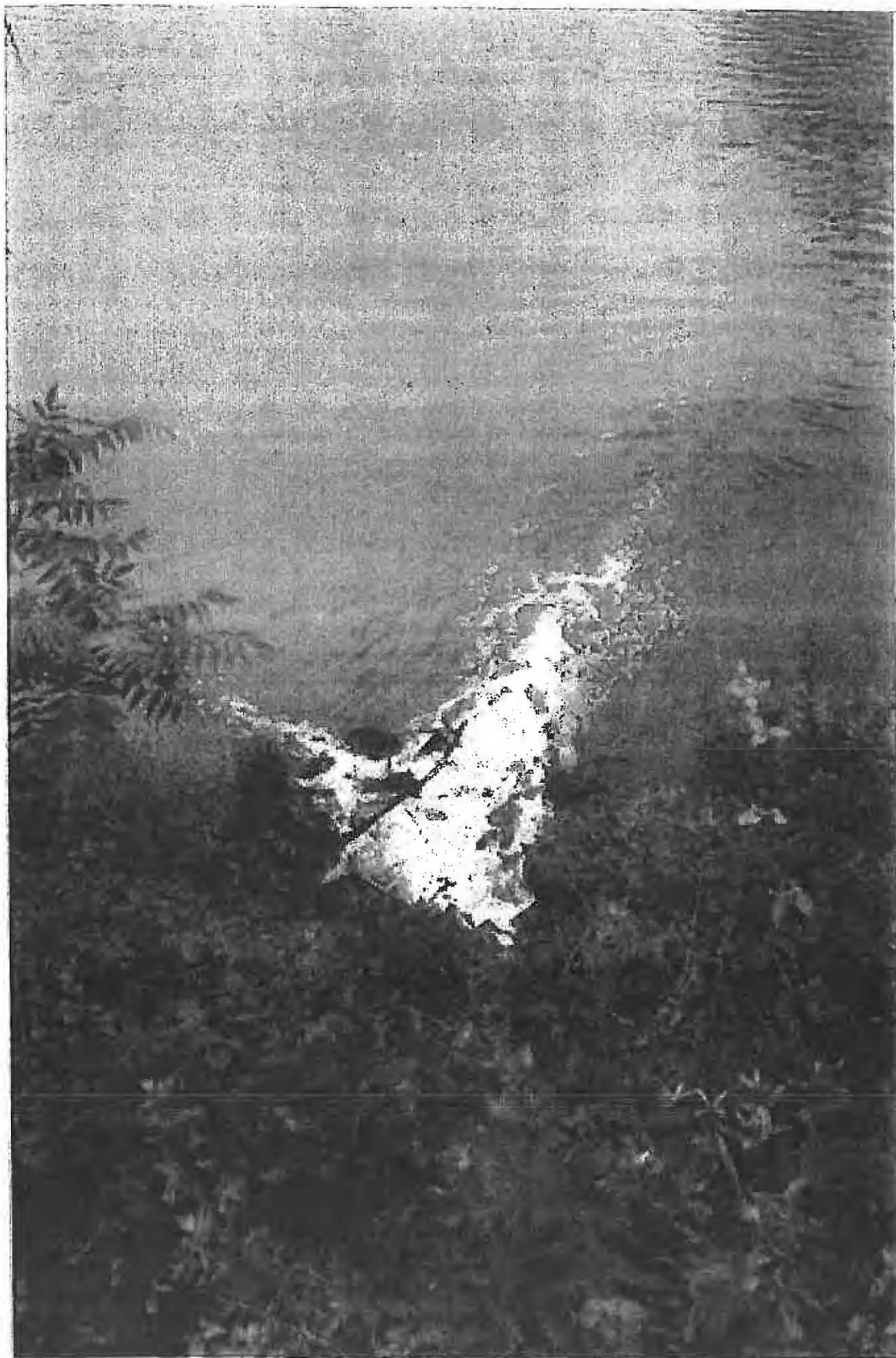

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Tamara M. Biski, Notary Public
Cecil Twp., Washington County
My Commission Expires May 3, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES



EXHIBIT

A





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

PA0092355
PERMIT NUMBER

001	
OUTFALL NUMBER	

MONITORING PERIOD						
YEAR	MO	DAY		YEAR	MO	DAY

Record of Inquiry
 DMR Efficacy Form
 DMR Efficacy Form
 Permit Expires
 Permit Application Due
 No Discharge?

Monthly
05/01/2018
05/01/2018
12/31/2021
07/04/2021
ND

FROM	2018	05	01
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A black and white photograph of a small, rectangular exhibit label. The label has a thick black border. Inside, the word "EXHIBIT" is printed in bold, uppercase letters. Below it, the letter "B" is handwritten in a large, stylized font. At the bottom, there is a horizontal line for a signature or date. The label is placed on a light-colored surface.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

File Name	Assignment Type	Assignment Date
CSO Report 05-10.xls	CSO Monthly Newsletter Summary	2010-05-10T19:47:44-04:00
CSO Report 05-10.xls	Security Status, Incidents, CSO's, and Regional Priorities	2010-05-10T19:45:12-04:00

BIBLIOGRAPHIC RECORDS										Comments
Non-Confidence ID	Event Origin Date	Event End Date	Parameter	Unit Type	Reported Value	Percent of Value	Last Value	Sampling Point ID	Cause of Hic	Corrective Action
06211	06/01/2016	06/01/2016	Adenosine-Adenosine	Change Weekly	23%	7%	100%	Final Eluent (2011)		
06212	06/01/2016	06/01/2016	Adenosine-Adenosine	Change Weekly	4%	7%	100%	Final Eluent (2011)		

PERFORMANCE

Item	Item Description	Unit	Quantity	Unit Price	Total Price	Remarks
1	100% Cotton Yarn	kg	100	1.20	120.00	
2	Woolen Yarn	kg	50	2.50	125.00	
3	Knitting Machine	unit	1	150.00	150.00	
4	Electricity	unit	1	10.00	10.00	
5	Water	unit	1	5.00	5.00	
6	Labour	unit	1	20.00	20.00	
7	Transportation	unit	1	10.00	10.00	
8	Insurance	unit	1	5.00	5.00	
9	Marketing	unit	1	10.00	10.00	
10	Other	unit	1	5.00	5.00	
11	Grand Total				550.00	

OTHER PERMIT VIOLATIONS

No. Compliance ID	Slip Code (Sampling Date)	Reported Parameters	Test Compliance Type
5473	Phase 001	Background Oxygen Demand (BOD ₅)	single type test as accordance with permit

COMMENTS DETAILS

Case no.	724029128
Case title	
Case type	
Case status	
Case description	
Case history	
Case notes	
Case attachments	
Case comments	
Case actions	
Case details	
Case summary	
Case overview	
Case analysis	
Case conclusion	
Case recommendations	
Case follow-up	
Case closure	
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SUBMISSION INFORMATION

SUBMITTED BY GREENPORT USER	TELEPHONE			UNIT		
				AREA CODE	NUMBER	
KRUPPAGU	Submitted to the Pennsylvania Electronic Transactions Act - Act 60, effective January 15, 2002, you are about to engage in an electronic transaction with the Commonwealth of Pennsylvania. You are submitting official information. You certify under a penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on your knowledge of the person or persons who manage the system or those persons directly responsible for ensuring the accuracy of the information submitted is, to the best of your knowledge and belief, true, accurate and reliable. You further certify that any false statement may be subject to substantial civil and criminal penalties (including 18 P.S. section 4904 (relating to unsworn falsification to authorities)).			SUBMITTED BY FULL NAME		
				AREA CODE	NUMBER	MO

August 16, 2018
Ref. No. 571-04

Nick Stork
Tervita – Rostraver Township Sanitary Landfill
111 Conner Lane
Belle Vernon, PA 15012

Dear Mr. Stork,

**Belle Vernon Municipal Authority
Landfill Leachate Service Agreement
Notification of Effluent Violations and Pass-Through and Interference**

The Belle Vernon Municipal Authority is in receipt of your Form 50 Quarterly Municipal Waste Landfill Leachate Analyses, dated June 13, 2018, Sample ID 10027 for the MH-1 (LEACHATE) monitoring point. The analytical results submitted on the Form 50 Report indicate the sample was in violation of the following Acceptable Waste conditions of the Landfill Service Agreement between the Landfill and the Belle Vernon Municipal Authority dated April 4, 1994.

Unacceptable Wastes: ARTICLE I, (d), (4), (8), (10), and (e).

(d).(4). – Sufficient to cause interference in the operation and performance of the wastewater facilities.

The following parameters were measured at levels that exceed wastewater industry standards for the pass-through or inhibition of the activated sludge and nitrification biological process utilized by the Belle Vernon Municipal Authority:

	Reported (mg/l)	Inhibition Threshold (mg/l)
Ammonia – Nitrogen	631	480
Chloride	3400	180
Magnesium	143	50
Total Dissolved Solids	7000	1000
Barium	7.66	1

(e). – Wastes containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table:

Substance	Reported (mg/l)	Maximum Permissible (mg/l)
Total Phenols	1.02	1.0
Iron	0.3	22.7



Tervita – Rostraver Township Sanitary Landfill
August 16, 2018
-page two-

The Belle Vernon Municipal Authority's Wastewater Treatment Plant has experienced pass-through and interference with its biological treatment process over the past several months, and has experienced violations of the effluent Ammonia Nitrogen limits of its National Pollution Discharge Elimination System (NPDES) permit for May and June of 2018. We also believe this pass-through and interference has been occurring well before our current monitoring period. In order to avoid any future pass-through, process interference, process inhibition or NPDES effluent limit violations the Belle Vernon Municipal Authority is hereby requesting that within **forty five (45) days** of receipt of this letter, that the Tervita – Rostraver Township Sanitary Landfill fully comply with the following discharge concentrations for discharge of the Landfill Leachate into the BVMA sanitary sewer system:

Parameter	Maximum Permissible Concentration (mg/l)
Phenolics, Total	1.0
Cyanide	0.02
Cyanate	0.02
Iron	0.3
Chrome III	0.5
Chrome VI	0.25
Nickel	1.0
Copper	0.2
Lead	0.2
Zinc	0.5
BOD5 (Biochemical Oxygen Demand)	300 *
Ammonia Nitrogen	300 *
Arsenic	0.1
Aluminum	25
Barium	1.0
Boron	50
Cadmium	0.5
Calcium	2500
Lead	0.1
Manganese	10
Magnesium	50
Mercury	0.01
Sulfide	25
Sulfate	50
Surfactants (MBAS)	100
Total Dissolved Solids	1000
Chloride	180
Color	15 (Color Units)
Turbidity	5 (turbidity Units)

**- indicates a surchargeable pollutant. Surcharge is to be applied for concentrations over 200 mg/l up to the Maximum Discharge Concentration.*

Tervita – Rostraver Township Sanitary Landfill
August 16, 2018
-page three-

The pollutants and the associated Maximum Discharge Concentrations apply to the permitted flow rate of up to 50,000 gallons per day.

Failure to comply with the aforementioned pollutant Maximum Discharge Concentrations within the next forty five (45) days will result in termination of service per the Discharge Service Agreement and no further discharge of Leachate will be permitted to the Belle Vernon Municipal Authority wastewater treatment plant until full compliance is documented with the BVMA.

This request is made under the terms and conditions of the existing Service Agreement to prevent Pass-Through, Process interference, Process Inhibition and to satisfy the NPDES Permit conditions of the BVMA NPDES Permit PA0092355. Please contact us to establish a compliance schedule for the next forty five (45) days.

Sincerely,

Belle Vernon Municipal Authority
Walter R. Ziemba
Chairman



October 12, 2018
Ref. No. 571-04

Mr. Nick Stork
Noble Environmental
111 Conner Lane
Belle Vernon, PA 15012

Dear Mr. Stork:

**Belle Vernon Municipal Authority (BVMA)
Non Compliant Landfill Leachate Waste Stream**

This letter serves as a follow up to the Authority letter dated September 27, 2018 regarding termination of leachate treatment at the Authority's WWTP. Our intent was to terminate your treatment service on October 15, 2018.

As this time has passed, we have contacted the Department of Environmental Protection (DEP) and notified them of the continued effluent violations at the WWTP being caused by your facility. By way of this letter we are giving you an additional thirty (30) days to bring your waste stream into compliance. During this time period we are requesting the DEP's assistance into this matter.

Please contact us at your earliest convenience with a schedule to bring your waste stream into compliance.

Very truly yours,

KLH ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "John C. Mowry".

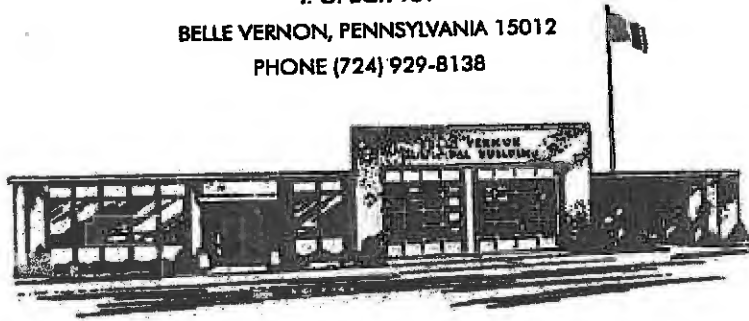
John C. Mowry, P.E.

cc: Chris Kriley
Scott Swarm
BVMA



*The Municipal Authority of the
Borough of Belle Vernon, Pa.*

P. O. BOX 181
BELLE VERNON, PENNSYLVANIA 15012
PHONE (724) 929-8138



September 27, 2018
Ref. No. 571-04

Mr. Nick Stork
Noble Environmental
111 Conner Lane
Belle Vernon, PA 15012

Dear Mr. Stork:

**Belle Vernon Municipal Authority (BVMA)
Landfill Leachate Service Agreement**

We are following up our letter of August 16, 2018, regarding termination of wastewater service to your facility. As of the date of this letter, we have not received any type of corrective action plan or have not seen any improvement in your waste stream.

Since the waste stream has not improved, on October 15, 2018, the BVMA will be blocking your wastewater flow at the manhole located at Tyrol Boulevard below the landfill.

Sincerely,

Belle Vernon Municipal Authority
Walter R. Ziemia
Chairman



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

Reporting Frequency: Monthly
DMR Effective From: 10/01/2018
DMR Effective To: 10/31/2018
Permit Expires: 12/31/2021
Permit Application Due: 07/04/2021
No Discharge: ☐

PA0092355	001
PERMIT NUMBER	OUTFALL NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
2018	10	01	2018	10	31

FROM

NAME: BELLE VERNON MUNI AUTH
ADDRESS: PO BOX 181, BELLE VERNON PA, 15012-0181
FACILITY: BELLE VERNON STP
LOCATION: FIRST AVE, BELLE VERNON PA, 15012
STAGE: Final Effluent

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING		QUANTITY OR CONCENTRATION		SAMPLING F
	VALUE	UNITS	VALUE	UNITS	
Dissolved Oxygen (00300)	Sample Measurement	***	5.3	mg/L	1/d
	Permit Requirement	***	4.0 Min	***	1/d
pH (00408)	Sample Measurement	***	6.8	***	1/d
	Permit Requirement	***	9.0 Max	S.U.	1/d
Total Suspended Solids (00530)	Sample Measurement	108.1	18.0	mg/L	1/d
	Permit Requirement	237 Avg Mo	30 Avg Mo	45 Wdy Avg	1/d
Ammonia-Nitrogen (00610)	Sample Measurement	153.7	***	***	1/d
	Permit Requirement	108 Avg Mo	25 Avg Mo	***	1/d
Flow (50050)	Sample Measurement	.882	***	***	Conti
	Permit Requirement	Monitor & Report Avg Mo	***	***	Conti
Ultraviolet light transmittance (51043)	Sample Measurement	***	82.0	***	1/d
	Permit Requirement	***	Monitor & Report Avg Mo	%	1/d
Fecal Coliform (74055)	Sample Measurement	***	106.7	***	1/d
	Permit Requirement	***	2000 Geo Mean	No./100 ml	1/d
Carbonaceous Biochemical Oxygen Demand (50065) (50062)	Sample Measurement	82.6	11.0	mg/L	1/d
	Permit Requirement	198 Avg Mo	25 Avg Mo	37.5 Wdy Avg	1/d
Facility Comments					

EXHIBIT

1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)



ATTACHMENT DETAILS

File Name	Attachment Type	Uploaded Time
Bla-Solids 10-18.xls	Sewage Sludge / Biosolids Production and Disposal Form	2018-11-28T11:15:16-05:00
GSO Report 10-18.xls	GSO Monthly Inspection Report Form	2018-11-28T11:15:48-05:00

Non-Compliance ID	Event Start Date	Event End Date	Parameter	Limit Type	Reported Value	Permit Limit	Unit	Sampling Point	Cause Of Non-Compliance
70824	10/01/2018	10/31/2018	Ammonia-Nitrogen	Average Monthly	27	25	mg/L	Final Effluent (001)	

UNAUTHORIZED DISCHARGES

Non-Compliance ID	Event Start Date	Event End Date	Date and Time Discovered	Substance Discharged	Event Location	Volume (gal)	Duration (hrs)	Receiving Waters	Impact On Waters	Cause Of Discharge
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OTHER PERMIT VIOLATIONS

Non-Compliance ID	Non-Compliance Type	Sampling Point	Parameter	Reported Value
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COMMENT DETAILS

Comments	Operator Name	Operator Certification Number
	Guy C Kruppa	

SUBMISSION INFORMATION

SUBMITTED BY GREENPORT USER	kruppagu	TELEPHONE	434-
		Guy Kruppa	(724)
		SUBMITTED BY FULL NAME	AREA CODE
			NUM

*Pursuant to the Pennsylvania Electronic Transactions Act - Act 69, effective January 15, 2002, you are about to engage in an electronic transaction with the Commonwealth of Pennsylvania. You are submitting official information. You certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on your inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of your knowledge and belief, true, accurate and complete. You are aware that any false statement may be subject to substantial civil and criminal penalties, including 18 P.S. section 4904 (relating to unsworn falsification to authorities).



Reporting Frequency:	Monthly
DMR Effective From:	10/01/2018
DMR Effective To:	10/31/2018
Permit Expires:	12/31/2021
Permit Application Due:	07/04/2021
No Discharge:	<input type="checkbox"/>

PA0092355	001
PERMIT NUMBER	OUTFALL NUMBER

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
2018	10	01	2018	10	31

PARAMETER		QUANTITY OR LOADING			QUANTITY OR CONCENTRATION				SAMPLING F
		VALUE	VALUE	UNITS	VALUE	VALUE	VALUE	UNITS	
Biochemical Oxygen Demand (BOD5) (00310)	Sample Measurement	820.1	1428.5	lbs/day	---	144.1	251.0	mg/L	1/w
	Permit Requirement	Monitor & Report Avg Mo	Monitor & Report Wely Avg		---	Monitor & Report Avg Mo	Monitor & Report Wely Avg		1/w
Total Suspended Solids (00530)	Sample Measurement	690.2	1343.1	lbs/day	---	116.0	236.0	mg/L	1/w
	Permit Requirement	Monitor & Report Avg Mo	Monitor & Report Wely Avg		---	Monitor & Report Avg Mo	Monitor & Report Wely Avg		1/w
Facility Comments									



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)**

NAME	BELLE VERNON MURD AUTH
ADDRESS	PO BOX 161, BELLE VERNON PA, 16012-0161
CITY	
STATE	
ZIP	
PHONE	
FACILITY	BELLE VERNON STP
LOCATION	
STAGE	FIRST AVE, BELLE VERNON PA, 16012
STAGE	Final Effluent

PA0092356
PERMIT NUMBER

001	CUTFALL NUMBER
-----	----------------

Reporting Frequency:
DMR Effective From:
DMR Effective To:
Permit Expires:
Permit Application Due:
No Discharge:

Monthly
06/01/2018
07/30/2018
12/31/2021
07/04/2021

MONITORING PERIOD						
YEAR	MO	DAY	TO	YEAR	MO	DAY
2018	08	01		2018	08	30

PARAMETERS REPORTED VALUES

PARAMETER		QUANTITY OR LOADING			QUANTITY OR CONCENTRATION				SAMPLING FREQUENCY	SAMPLING TYPE
		VALUE	VALUE	UNITS	VALUE	VALUE	UNITS			
Dissolved Oxygen (00000)	Sample Measurement	---	---	---	9.7	---	mg/L	1/day	Grab	
	Percent Requirement	---	---	---	4.0 Min	---	---	1/day	Grab	
pH (00400)	Sample Measurement	---	---	---	7.2	---	8.11	1/day	Grab	
	Percent Requirement	---	---	---	5.0 Min	8.0 Max	---	1/day	Grab	
Total Suspended Solids (00020)	Sample Measurement	202.0	502.0	lb/day	---	22.0	mg/L	1/week	8-Hr Composite	
	Percent Requirement	337 Avg Mo	367 Wdy Avg	---	---	46 Wdy Avg	---	1/week	8-Hr Composite	
Ammonia Nitrogen (00070)	Sample Measurement	210.0	---	lb/day	---	24.4	mg/L	1/week	8-Hr Composite	
	Percent Requirement	100 Avg Mo	---	---	---	26 Avg Mo	---	1/week	8-Hr Composite	
Fluor (00050)	Sample Measurement	1.00	2.00	MGD	---	---	---	Continuous	Fluorinated	
	Percent Requirement	Monitor & Report Avg Mo	Monitor & Report Daily Mo	---	---	---	---	Continuous	Fluorinated	
Ultraviolet Light Transmittance (81040)	Sample Measurement	---	---	---	---	80.0	%	1/day	Measured	
	Percent Requirement	---	---	---	---	Monitor & Report Avg Mo	---	1/day	Measured	
Free Chlorine (41000)	Sample Measurement	---	---	---	---	6.2	lb/100 ml	1/week	Grab	
	Percent Requirement	---	---	---	---	320 Gallon Minimum	---	1/week	Grab	
Carbonaceous Biochemical Oxygen Demand (CBOD5) (80060)	Sample Measurement	787.0	212.0	lb/day	---	204.0	mg/L	1/week	8-Hr Composite	
	Percent Requirement	500 Avg Mo	307 Wdy Avg	---	---	22.5 Avg Mo	---	1/week	8-Hr Composite	
Positive Comments										



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)**

NAME: BELLE VERNON MUNI AUTH
ADDRESS: PO BOX 101, BELLE VERNON PA, 15012-0101
FACILITY: BELLE VERNON STP
LOCATION: FIRST AVE, BELLE VERNON PA, 15012
STAGE: Influent

PA0002366
PERMIT NUMBER

001
OUTFALL NUMBER

Reporting Frequency: Monthly
DMR Effective From: 06/01/2018
DMR Effective To: 06/30/2018
Permit Expires: 12/31/2021
Permit Application Due: 07/04/2021
No Discharges: ☐

MONITORING PERIOD					
YEAR	MO	DAY	YEAR	MO	DAY
FROM 2018	06	01	TO 2018	06	30

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING			QUANTITY OR CONCENTRATION			SAMPLING FREQUENCY	SAMPLING TYPE
	VALUE	UNITS	VALUE	VALUE	UNITS	VALUE		
Biochemical Oxygen Demand (BOD5) (00516)	Sample Measurement	1200.0	2012.8	130.0	mg/L	318	1 Week	2-H Composite
	Permit Requirement	1500.0	1500.0	130.0	mg/L	1500.0	1 Week	2-H Composite
Total Suspended Solids (TSS) (00520)	Sample Measurement	1500.0	4000.0	150.0	mg/L	500.0	1 Week	2-H Composite
	Permit Requirement	1500.0	1500.0	150.0	mg/L	1500.0	1 Week	2-H Composite
Family Comments								

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

File Name	Attachment Type	Upload Time	Attachment Comments
90-Schols 9-18.xls	1. ... org: Schols / Bioscience Production and Disposal Form	2016-10-25T13:46:47-04:00	
CSD Report 9-18.xls	CSD Monthly Inspection Report Form	2016-10-25T13:47:04-04:00	

Event Date (dd/mm/yyyy)	Parameter	Unit Type	Reported Value	Permit Limit	Unit	Sampling Method	Exposure of Non-Compliance	Comments
7/20/19	Aerosols (Range)	Average Monthly	218.8	100	body	Feed Effluent (001)		
7/20/19	Carbonaceous Biochemical Oxygen Demand (CBOD5)	Average Monthly	707	100	body	Feed Effluent (001)		
7/20/19	Total Suspended Solids (TSS)	Average Monthly	243	257	body	Feed Effluent (001)		
7/20/19	Total Suspended Solids	Weekly Average	552.9	257	body	Feed Effluent (001)		
7/20/19	Carbonaceous Biochemical Oxygen Demand (CBOD5)	Weekly Average	2512	257	body	Feed Effluent (001)		
7/20/19	Total Suspended Solids	Average Monthly	33	50	mg/L	Feed Effluent (001)		
7/20/19	Carbonaceous Biochemical Oxygen Demand (CBOD5)	Average Monthly	98	25	mg/L	Feed Effluent (001)		
7/20/19	Total Suspended Solids	Weekly Average	62.5	45	mg/L	Feed Effluent (001)		
7/20/19	Carbonaceous Biochemical Oxygen Demand (CBOD5)	Weekly Average	204	37.5	mg/L	Feed Effluent (001)		

[illegible]

Non-Compliance ID	Non-Compliance Type	Sampling Point	Parameter	Reported Value	Permit Limit	Comments

Comments	Operator Name	Dynalene Certification Number	Operator Contact Number
	Don Heppa		(724) 434-0024

SUBMITTED BY GREENPORT USER	*Pursuant to the Pennsylvania Electronic Transactions Act - Act 08, effective January 16, 2002, you are about to engage in an electronic transaction with the Commonwealth of Pennsylvania. You are submitting official information. You certify under penalty of law that this document and all attachments were prepared under your direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on your inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, you were that any false information submitted in this document was intentional and you were that any false information was not intentional and you were that any false information may be subject to substantial civil and criminal penalties, including 18 P.S. section 4804 (relating to unsworn indication to authorities).				TELEPHONE		DATE
	Guy Kruppke	(724)	434-3324	2018	10	25	
	SUBMITTED BY FULL NAME	AREA CODE		NUMBER	YEAR	MO	DAY
kruppkeguy							



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

NAME BELLE VERNON MUNI AUTH
ADDRESS PO BOX 181, BELLE VERNON PA, 19012-0181
FACILITY BELLE VERNON STP
LOCATION FIRST AVE, BELLE VERNON PA, 19012
STAGE Final Effluent

PA0002355
PERMIT NUMBER

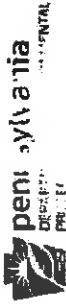
001
OUTFALL NUMBER

Reporting Frequency: Monthly
DMR Effective From: 08/01/14
DMR Effective To: 08/31/16
Permit Expires: 12/31/16
Permit Application Due: 07/01/17
No Discharge: ☐

MONITORING PERIOD									
YEAR	MO	DAY	YEAR	MO	DAY	YEAR	MO	DAY	YEAR
2016	08	01	2016	08	31				

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OF LOADING			QUANTITY OR CONCENTRATION			SAMPLING FREQUENCY	SAMPLING TYPE
	VALUE	UNITS	VALUE	VALUE	UNITS	VALUE		
Dissolved Oxygen (DO24h)	Sample Measurement Permit Requirement	mg/L	4.0 Min	4.0 Min	mg/L	1x	1x	Grab
pH (DO24h)	Sample Measurement Permit Requirement	mg/L	7.2 Min	7.2 Min	mg/L	1x	1x	Grab
Total Suspended Solids (TSS24h)	Sample Measurement Permit Requirement	mg/L	4.0 Min	4.0 Min	mg/L	1x	1x	Grab
Ammonia-Nitrogen (NH3-N)	Sample Measurement Permit Requirement	mg/L	2.0 Min	2.0 Min	mg/L	1x	1x	Grab
Flow (DO24h)	Sample Measurement Permit Requirement	MGD	2.0 Min	2.0 Min	MGD	1x	1x	Grab
Ultraviolet Light Transmittance (254nm)	Sample Measurement Permit Requirement	mg/L	2.0 Min	2.0 Min	mg/L	1x	1x	Grab
Fixed Solids (DO24h)	Sample Measurement Permit Requirement	mg/L	2.0 Min	2.0 Min	mg/L	1x	1x	Grab
Orthomethane Biochemical Oxygen Demand (CBO24h) (BOD24h)	Sample Measurement Permit Requirement	mg/L	2.0 Min	2.0 Min	mg/L	1x	1x	Grab



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

NAME: BELL VERNON MUNI AUTH
ADDRESS: PO B. X 181, BELLE VERNON PA, 15012-0181
FACILITY: BELL VERNON STP
LOCATION: FIRST AVE, BELLE VERNON PA, 15012
STAGE: Influent

PA0092355
PERMIT NUMBER
OUT NUMBER

MONITORING PERIOD				
YEAR	MO	DAY	YEAR	DAY
2015	08	01	2016	08 31

Reporting Frequency: Monthly
DMR Effective From: 08/01/2015
DMR Effective To: 08/31/2015
Permit Expires: 12/31/2021
Permit Application Due: 07/04/2023
No Discharge: ☐

PARAMETERS REPORTED VALUES

PARAMETER	QUANTITY OR LOADING				CONCENTRATION				SAMPLING FREQUENCY	SAMPLING TYPE
	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS	VALUE	UNITS		
Biochemical Oxygen Demand (BOD5) (mg/L)	722.3	Monitor & Report Avg Mo	2118.2	Monitor & Report Avg Mo	157	Monitor & Report Avg Mo	649	Monitor & Report Avg Mo	1 Week	Auto Composite
Total Suspended Solids (TSS) (mg/L)	425.3	Monitor & Report Avg Mo	614.3	Monitor & Report Avg Mo	110.0	Monitor & Report Avg Mo	150.3	Monitor & Report Avg Mo	1 Week	Auto Composite
Total Solids (mg/L)	425.3	Monitor & Report Avg Mo	614.3	Monitor & Report Avg Mo	110.0	Monitor & Report Avg Mo	150.3	Monitor & Report Avg Mo	1 Week	Auto Composite
Effluent										

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER
DISCHARGE MONITORING REPORT (DMR)

DISCHARGE MONITORING REPORT (DMR)

[illegible]

4/4/2019

FW: Belle Vernon STP

From: John Mowry <jmowry@klhengineers.com>
To: 'gckmabv@aol.com' <gckmabv@aol.com>
Subject: FW: Belle Vernon STP
Date: Fri, Jan 4, 2019 7:39 am

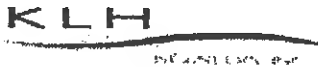
John C. Mowry, P.E.

Email: jmowry@klhengineers.com

Office: 412.494.0510 Ext. 127

Fax: 412.494.0426

<http://www.klhengineers.com>



From: Leone, Donald [mailto:doleone@pa.gov]
Sent: Friday, January 04, 2019 7:36 AM
To: John Mowry <jmowry@klhengineers.com>
Cc: Kriley, Christopher <ckriley@pa.gov>; Greenwald, Stacey <sgreenwald@pa.gov>
Subject: Belle Vernon STP
Importance: High

John,

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further before we have an overall meeting with all parties let me know. Since this is landfill leachate it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater.

Let me know if you want a preliminary meeting.



4/4/2019

FW: Belle Vernon STP

Thanks.

Donald J. Leone, P.E. | Environmental Engineer Manager
Department of Environmental Protection | Clean Water
South West Regional Office Building
400 Waterfront Drive | Pittsburgh, PA 15222
Phone: 412.442.4059 | Fax: 412.442.4328
www.depweb.state.pa.us

1/4/2019

Meeting

From: John Mowry <jmowry@klhengineers.com>

To: 'gckmabv@aol.com' <gckmabv@aol.com>

Subject: Meeting

Date: Thu, Jan 10, 2019 7:55 am

Our meeting is set with DEP at 9:30 on the 17th!

John C. Mowry, P.E.

Email: jmowry@klhengineers.com

Office: 412.494.0510 Ext. 127

Fax: 412.494.0426

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PADEP: 83-00382

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Van Voorhis, PA 15388
P: (724) 258-8378
F: (724) 258-8376
PADEP: 83-04247

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P: (570) 321-9002
F: (570) 321-1957
PADEP: 41-04880

550 West Main Street
Sharpsville, PA 16150
P: (724) 463-8378 x 500
F: (724) 465-4209
PADEP: 43-04834

30 April 2019

Belle Vernon Borough Municipal Authority
Attn: Ron Krepps
PO Box 181
Belle Vernon, PA 15012

Work Order: 9041628
Project: Leachate
Project Description: Leachate

Report of Analysis

Client Sample ID	Lab Sample ID	Matrix	Date Sampled	Date Received	Sample Notes
Landfill Leachate	9041628-01	Water	04/17/2019 08:00	4/17/19 12:40	
Trip Blanks	9041628-02	Water	04/17/2019 00:00	4/17/19 12:40	

Report Narrative

The results contained in this report are only representative of the samples received. Environmental Service Laboratories, Inc. is not responsible for use or interpretation of the data included herein.

Definitions

- ML Matrix Spike recovery fell below the laboratory acceptance criteria; result may be biased low.
- LL Laboratory control sample below acceptance criteria, result may be biased low.
- D The reported value is from a dilution.
- RL Reporting Limit

Certifications

Analyses performed by Environmental Service Laboratories, Inc., Indiana PA unless otherwise specified.
Environmental Service Laboratories, Inc., Indiana, PA/TNI Certification #32-00382

Approved By

Sean Mintzer
Project Manager





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Belle Vernon Borough Municipal Authority
PO Box 181
Belle Vernon, PA 15012

Reported: 04/30/2019 12:07

Lab Sample ID#: 9041628-01
Sample Type: Water
Sample Source: Grab
Sampler: Client
Client Sample ID: Landfill Leachate

Sample Date: 04/17/2019 08:00
Receipt Date: 04/17/2019 12:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/Certification	Prep Date/Time	Analysis Date/Time
General Chemistry							
Analytical Method: EPA1664A				Prep Method: No Prep - WetChem			
Oil & Grease (HEM)	1260	mg/L	LL. ML	4.95	TLL	04/29/19 11:25	04/29/19 17:45
Volatile Organics							
Analytical Method: EPA8260				Prep Method: Purge and Trap			
Methyl-tert-butyl ether	<20.0	ug/L	D	20.0	MJK	04/22/19 13:58	04/22/19 13:58
Benzene	<10.0	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Toluene	<10.0	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Ethyl Benzene	14.8	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
m,p-Xylenes	41.1	ug/L	D	30.0	MJK	04/22/19 13:58	04/22/19 13:58
o-Xylene	28.4	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Total Xylenes	69.5	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Isopropylbenzene	<10.0	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
1,3,5-Trimethylbenzene	102	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
1,2,4-Trimethylbenzene	324	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Naphthalene	91.3	ug/L	D	10.0	MJK	04/22/19 13:58	04/22/19 13:58
Surrogate 1,2-Dichloroethane-d4	105 %		80-120		MJK	04/22/19 13:58	04/22/19 13:58
Surrogate Toluene-d8	101 %		88-110		MJK	04/22/19 13:58	04/22/19 13:58
Surrogate 4-Bromofluorobenzene	102 %		86-115		MJK	04/22/19 13:58	04/22/19 13:58



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PADEP 43-04834

Belle Vernon Borough Municipal Authority
PO Box 181
Belle Vernon, PA 15012

Reported: 04/30/2019 12:07

Lab Sample ID#: 9041628-02
Sample Type: Water
Sample Source: Trip Blank
Sampler:
Client Sample ID: Trip Blanks

Sample Date: 04/17/2019 00:00
Receipt Date: 04/17/2019 12:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/ Certification	Prep Date/Time	Analysis Date/Time
Volatile Organics Analytical Method: EPA8260 Prep Method: Purge and Trap							
Dichlorodifluoromethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Chloromethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Vinyl chloride	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromomethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Chloroethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
Trichlorofluoromethane	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1-Dichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Acetone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
Methylene Chloride	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Methyl-tert-butyl ether	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
trans-1,2-Dichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1-Dichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
2-Butanone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
cis-1,2-Dichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Chloroform	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromochloromethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,1-Trichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Carbon Tetrachloride	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Benzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Trichloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dichloropropane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Dibromomethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromodichloromethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
cis-1,3-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
4-Methyl-2-pentanone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
Toluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
trans-1,3-Dichloropropene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,3-Trichloropropane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,2-Trichloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,3-Dichloropropane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35



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Belle Vernon Borough Municipal Authority
PO Box 181
Belle Vernon, PA 15012

Reported: 04/30/2019 12:07

Lab Sample ID#: 9041628-02
Sample Type: Water
Sample Source: Trip Blank
Sampler:
Client Sample ID: Trip Blanks

Sample Date: 04/17/2019 00:00
Receipt Date: 04/17/2019 12:40

Analyte	Sample Result	Units	Data Qualifier	RL	Analyst/Certification	Prep Date/Time	Analysis Date/Time
Tetrachloroethene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
2-Hexanone	<10.0	ug/L		10.0	MJK	04/18/19 19:35	04/18/19 19:35
Dibromochloromethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dibromoethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Chlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,1,2-Tetrachloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Ethyl Benzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
m,p-Xylenes	<2.00	ug/L		2.00	MJK	04/18/19 19:35	04/18/19 19:35
o-Xylene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Total Xylenes	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Styrene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Isopropylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromoform	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,1,2,2-Tetrachloroethane	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
n-Propyl Benzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,3,5-Trimethylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Bromobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
2-Chlorotoluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
4-Chlorotoluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
tert-Butylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,4-Trimethylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
sec-Butylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
4-Isopropyltoluene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,3-Dichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Butylbenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,4-Dichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2-Dibromo-3-chloropropane	<5.00	ug/L		5.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,4-Trichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Naphthalene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
1,2,3-Trichlorobenzene	<1.00	ug/L		1.00	MJK	04/18/19 19:35	04/18/19 19:35
Surrogate: 1,2-Dichloroethane-d4	105 %		80-120		MJK	04/18/19 19:35	04/18/19 19:35
Surrogate: Toluene-d8	101 %		88-110		MJK	04/18/19 19:35	04/18/19 19:35
Surrogate: 4-Bromofluorobenzene	99 %		86-115		MJK	04/18/19 19:35	04/18/19 19:35



SAMPLE RECEIPT AND REVIEW FORM

PART A: General Information

Client: <u>Belle Vernon Municipal Auth.</u>		Work Order: <u>9041628</u>	
Received by: <u>BV (DC)</u>		Date/Time Received: <u>4/17/19 1240</u>	Date Sampled: <u>4/17/19</u>
Method of Delivery: <u>FedEx</u> <u>UPS</u> <u>Client Drop off</u> <u>Est. courier</u> Other: _____			
Sample Receipt Temp: <u>8.2°C</u>		Samples Received on Ice: <u>YES</u> NO	
IR Gun # Used: <u>1</u> <u>2</u> <u>3</u> <u>4</u>			
Samples Removed by Satellite Lab Division: <u>Southern(BV)</u> <u>NorthWest(NW)</u> <u>Northern(WP)</u>		Containers removed by Satellite Lab for analysis of: <u>TCMPN</u> <u>Fecal Coliform</u> <u>TC/EC</u>	
Sample State of Collection: <u>PA</u> <u>NY</u> <u>OH</u> <u>WV</u> Other: _____		PWSID COMPLIANCE DRINKING WATER SAMPLES: <u>YES</u> <u>NO</u> <u>EL</u> <u>4/17/19</u>	

PART B: Receipt Details

Completed (if different from above):

Eun Fughlin
Signature

4/17/19 2115
Date Time

Sample Receipt Criteria				Comments/Qualifiers (Required for Non-Conforming Items)	Deficiency Log Required
1 Chain of custody documents included with samples?	<u>Yes</u>	No	N/A	Comments:	YES <u>NO</u>
2 COC form is properly signed in relinquished/received sections?	<u>Yes</u>	No	N/A	Comments:	YES NO
3 Sample containers intact and sealed?	<u>Yes</u>	No	N/A	Circle Applicable: Damaged container Leaking container Custody Seal Broken Other:	YES NO
4 Number of containers received match number indicated on COC?	<u>Yes</u>	No	N/A	Sample ID's affected:	YES NO
5 Sample ID's on COC match ID's on bottles?	<u>Yes</u>	No	N/A	Sample ID's and containers affected:	YES NO
6 Date and time on COC match date and time on bottles?	<u>Yes</u>	No	N/A	Sample ID's affected:	YES NO
7 Samples received within holding time?	<u>Yes</u>	No	N/A	ID's and tests affected:	YES NO
8 Samples received at appropriate pH for analysis requested?	<u>Yes</u>	No	<u>N/A</u>	Sample ID's, containers affected and observed pH: <u>Water in jugs too murky to read pH strip</u>	YES <u>NO</u>
9 Samples requiring thermal preservation within 0 ≤ 6°C? Microbiology within 0 ≤ 10°C?	<u>Yes</u>	No	N/A	For non-WV samples outside of thermal preservation range sampled same day and received on ice are considered acceptable condition as the cooling process has begun.	YES NO
11 Adequate sample volume received?	<u>Yes</u>	No	N/A	Analyses Affected:	YES NO
10 VOA vials free of headspace (defined as < 6mm bubble)?	<u>Yes</u>	No	N/A	Sample ID's and containers affected:	YES NO
Other Comments:					Deficiency Log Created: Yes <u>No</u>



SMITH BUTZ
A LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

125 Technology Drive, Suite 202, Bailey Center I, Southpointe
Caronsburg, PA 15317

Members of the Board of The
Municipal Authority Of The
Borough of Belle Vernon
P.O. Box 181
Belle Vernon, Pennsylvania 15012

May 13, 2019

Dear Board Members:

As you are all aware, your Board retained the services of our Law Firm to review documents and contractual waste stream issues in order to provide recommendations regarding the Landfill Leachate from the Rostraver Township Sanitary Landfill that The Belle Vernon Municipal Authority is currently under contract to accept and treat. Based upon our review of documents provided by The Belle Vernon Municipal Authority ("Belle Vernon") to date, as well as conversations with the Authority's Supervisor, Guy Kruppa regarding his meetings and conversations with the Pennsylvania Department of Environmental Protection ("PADEP"), and Tervita Rostraver Township Sanitary Landfill ("Tervita"), it is our recommendation that Belle Vernon advise Tervita in writing that Belle Vernon will no longer be accepting any Landfill Leachate from its site per the Sewage Service Agreement (the "Agreement") between the parties and that the waste stream from its facility will be shut off consistent with the terms of the Agreement. (See Agreement attached as Exhibit A). We also recommend, pursuant to Belle Vernon's National Pollution Discharge Elimination System Permit (NPDES) Section III (C)(4)(a)(ii), that Belle Vernon immediately notify the known downstream users of the Monongahela River of the specific parameter discharges that exceed Belle Vernon's NPDES permit.

These recommendations are the result of our Firm's review of the available Tervita waste stream testing results in the form of Form 50 Quarterly Municipal Waste Landfill Leachate Analysis (Form 50) prepared by Tervita which demonstrates that multiple parameters tested for exceed the wastewater industry standards for the pass-through of sludge and nitrification of biological processes utilized by Belle Vernon including Ammonia-Nitrogen, Chloride, Magnesium, Total Dissolved Solids, and Barium. Further, both Total Phenols and Iron in Tervita waste stream samples exceed in solution or suspension concentrations. These exceedances in the Tervita waste stream are a clear violation of Article I, Section (d) (4), (8), and (10) (as set forth below) which provide a legal basis for shutting down Tervita's waste stream to Belle Vernon, as well as termination of the Agreement itself.

Article I, Section (d)(4) of the Agreement provides that Belle Vernon cannot accept "Unacceptable Waste" which includes any discharge to the Borough Authority's wastewater facilities that "cause interference in the operation and performance of the wastewater facilities." Pursuant to the engineering documents provided to us and discussions with Guy Kruppa, it is our understanding that Belle Vernon has experienced significant interference with its biological treatment process which has subsequently resulted in reportable violations under Belle Vernon's NPDES permit for multiple reporting periods due to Tervita's discharge of "Unacceptable Waste". Further, Section (d)(8) of the Agreement sets forth that



Unacceptable Waste includes any discharge to Belle Vernon's facility that "contains noxious, malodorous gas or substance which is present in quantities that create a public nuisance or a hazard to life". Clearly, the exceedances of multiple contaminants demonstrated in the testing of Tervita's waste stream, resulting in violations of Belle Vernon's NPDES permit, has the potential to create a public nuisance. In fact, due to Tervita's waste exceeding the regulatory levels for multiple parameters, including but not limited to Ammonia-Nitrogen, Belle Vernon's effluent testing that has been documented since May of 2018, evidences some exceedances of the same parameters in violation of Article I Section (A)(2) and (A) (1)-(4) of its NPDES permit. As a result of Belle Vernon's effluent exceeding regulatory standards, in compliance with its NPDES permit, Article III Section (C)(4) and (5), Belle Vernon appropriately reported all exceedances since May of 2018 through its discharge monitoring reports (DMRs) submitted electronically to the PADEP.

Recently, on April 17, 2019, a sample of Tervita leachate stream was taken and tested by Belle Vernon for a number of parameters, including oil and grease and constituents of diesel fuel. Mr. Kruppa did show us a sample of the waste stream tested which clearly exhibited an oil/grease sheen and had a pungent and distinct odor of diesel fuel emanating from it consistent with observations made at the plant by Mr. Kruppa. (See photos of Tervita waste stream sample attached as Exhibit B). Given the noxious and malodorous characteristics of the waste stream sample, the concern was that Tervita's waste landfill leachate could be in violation of Section (d)(8) of the Agreement. Moreover, Section (d)(10) of the Agreement states that Unacceptable Wastes are those that "contain any odor or color producing substances exceeding concentration limits which may be established by the Borough Authority for purposes of meeting the Borough Authority's permit". Again, in the samples of Tervita's waste stream that Mr. Kruppa has witnessed in the past few months and most recently has shown to us, it is dark black in color with an apparent floating oil and grease sheen which is a violation of Section (d)(10) of the Agreement.

Due to the visual characteristics and odor associated with samples from Tervita, we discussed with Mr. Kruppa, expanding the list of parameters to test for in the waste stream. Results of the Tervita April 17, 2019 sample demonstrated the presence of volatile organic compounds (VOCs), including Xylene, Ethylbenzene, Naphthalene, 1, 3, 5 Trimethylbenzene and 1, 2, 4 Trimethylbenzene. (See test results attached as Exhibit C). All of these contaminants are constituents of diesel fuel and are associated with waste streams from unconventional wells. Although none of these contaminants are regulated by Belle Vernon's NPDES permit, their presence serves to violate Article I, section (d) (1) of the Agreement. Additionally, the presence of these contaminants violates 40 CFR and 403.5(a) (1) which generally prohibits a user (Tervita) from "introduce[ing] into a POTW any pollutant(s) which cause pass through or interference." As is evident, the introduction of Tervita waste stream containing Xylene, Ethylbenzene, Naphthalene, 1, 3, 5 Trimethylbenzene and 1, 2, 4 Trimethylbenzene to the Belle Vernon facility has caused documented and reported violations of Belle Vernon's NPDES permit. Moreover, the results of the Tervita waste April 17, 2019 sample demonstrate the existence of oil and grease (HEM) at 1260 mg/L. Oil and grease in this amount in conjunction with the presence of 1, 2, 4 Trimethylbenzene, a constituent of petroleum, in the same sample violates Article I, Section (d) (6) of the Agreement. The presence of oil and grease in the Tervita waste stream sample further violates 40 CFR and 403.5 (b)(6) which states "the following pollutants shall not be introduced into a POTW: (6) petroleum oil, nonbiodegradable cutting oil or products of mineral oil origins in amounts causing interference or pass through". As exemplified by the April 17, 2019 Tervita waste stream sample, Tervita has discharged pollutants to Belle Vernon, which it is not permitted by contract or law to do. This provides an additional legal basis to terminate the contract

with Tervita, as well as to stop Tervita's flow of waste to Belle Vernon so that Belle Vernon may once again come into compliance with its NPDE's permit.

Pursuant to the Agreement, Tervita is to provide, and Belle Vernon is to accept, no more than 50,000 gallons per day of leachate. However, Form 50 prepared by Tervita provides that the amount of leachate received from Tervita by Belle Vernon has exceeded that 50,000 gallon per day maximum volume as set forth in the Agreement. It should be noted that for a period of time, Tervita's flow meter was inoperable so daily flows were not being recorded. However, by way of example, in March of 2018 the volume of leachate recorded by Tervita sent to Belle Vernon was 141,000 gallons per day. This amount is 91,000 gallons above the permissible amount provide for in the Agreement. Therefore, Tervita's exceedance of the 50,000 gallons per day maximum of leachate sent to Belle Vernon violates page (1), paragraph (4) of the Agreement and is grounds for termination of the same.

Moreover, based upon the odor, color and obvious floating sheen on a sample of the waste stream shown to us by Mr. Kruppa, and confirmation of the presence of oil and grease, as well as diesel fuel constituents in the test results of the waste stream provide evidence of additional violations of the Agreement by Tervita discharges including Sections (d)(1), (6), (7). Mr. Kruppa also shared with us that most recently the manhole from which Belle Vernon tests the influent waste stream from Tervita was padlocked presumably by Tervita officials such that Belle Vernon no longer has the ability to sample the waste stream from that access point where it had always done so throughout the term of the Agreement. Mr. Kruppa has reported this action to the PADEP. Mr. Kruppa provided us a picture of that now padlocked sampling point. (See picture of padlocked sampling point for Tervita waste stream attached as Exhibit D). We note, that pursuant to the Agreement, it appears under Article II Section (a) that "the entire project consisting of 10 inch SDR 35 PVC sewer pipe, manholes, metering and sampling structure and devices and other appurtenances from the connection to the existing interceptor sewer to the property line of the Westmoreland Authority shall become property of the Borough Authority..." It is our understanding that the sampling point that most recently was padlocked, presumably by Tervita, is actually property of Belle Vernon, per the Agreement. As such, the action of padlocking this manhole is a further violation of the Agreement and grounds to nullify the same. Still further, even if such a sampling point would not be deemed to be Belle Vernon's property under this Agreement, Article II Section (c) provides that "Borough Authority shall have the right at all times to inspect and test the same.." This clearly affords Belle Vernon the right to test, at any time by way of the manhole that has now been padlocked. Such action by Tervita is a clear violation of the Agreement.

In speaking with Mr. Kruppa, it is our understanding that it was revealed to him that Tervita was receiving unconventional oil and gas waste in the form of drill cuttings and muds from unconventional drilling operations around the same time Belle Vernon started to have issues with exceedances of parameters in violation of its NPDES permit. We understand from Mr. Kruppa that it is believed by Belle Vernon that the introduction of waste water pollutants associated with unconventional oil and gas production in Tervita's waste stream to Belle Vernon's facility is responsible for Belle Vernon's continuous non-compliance with its NPDES permit. If in fact Tervita has been accepting oil and gas extraction waste like drill cuttings and muds which are being discharged by Tervita to Belle Vernon in its waste stream, Tervita may be found in violation of 40 CFR and 435.33 (a) (1) and/or 435.34 (a) (1) which provide:

"There shall be no discharge of wastewater pollutants associated with production, filed exploration drilling, well completion or well treatment for unconventional oil and gas extraction (including but not limited to drilling muds, cuttings, produced sand and produced water) into publicly owned treatment works."

Belle Vernon's NPDES permit requires that it operate its facility consistent with the regulations set forth in it. Pursuant to Article II Section (f) of the Agreement, Belle Vernon is to take and treat the landfill leachate from Tervita to the extent it allows Belle Vernon to operate its facility consistent with its permit. It is our understanding, based upon documents authored by Belle Vernon's Engineer, as well as in speaking with Mr. Kruppa, that it has been determined by the Engineer and Belle Vernon that it is Tervita's waste stream that has caused the exceedances leading to the violations of Belle Vernon's NPDES permit. Since Tervita has been determined to be the source of the resulting permit violations, Tervita has caused Belle Vernon to not be able to operate its facility pursuant to the applicable NPDES permit regulations in violation of Article II Section (f) of the Agreement. Moreover, it appears Tervita, due to its contaminated waste stream interfering with Belle Vernon's treatment operations, may also be found in violation of 40 CFR 403.3 (k)(1), which prohibits Tervita from introducing pollutants into a POTW that are inconsistent with the POTW's chosen method of disposal. Additionally, Belle Vernon's NPDES permit does not allow it to discharge any fluids that have a sheen, or contain oil and grease that may cause sheen or film to the receiving waters once it is discharged pursuant to Section A (1) (b), (c) and (d).

It is our understanding in conversations with Mr. Kruppa, that he brought this matter to the attention of the PADEP. It is also our understanding that Belle Vernon's Engineers, KLH Engineers, Inc., have on multiple occasions advised Tervita that its waste stream was causing Belle Vernon to violate the terms of its NPDES permit. Due to Mr. Kruppa's persistence with the PADEP, the PADEP requested that Tervita implement a pretreatment system for its waste stream to eliminate parameters contributing to Belle Vernon's violations of its NPDES permit. While this pretreatment system was apparently implemented by Tervita after months of negotiations and subsequent permitting by the PADEP, it is our current understanding that that pretreatment system could not and did not treat Tervita's waste stream to control and/or eliminate the parameters causing the exceedances. In fact, it is our understanding that this pretreatment system implemented by Tervita was so unsuccessful in pretreating Tervita's waste stream to make it acceptable for Belle Vernon's facility that the PADEP has advised that it was shut down and has been removed completely from the site. Given this development, and based upon the requirements as set forth in Belle Vernon's NPDES permit, Belle Vernon has little choice but to shut off the waste stream from Tervita in order to operate in compliance with its NPDES permit.

Belle Vernon's NPDES permit clearly states that Belle Vernon's noncompliance with its permit subjects it to **civil and criminal penalties** and that it cannot use as a defense to any civil or criminal action implemented against it by the PADEP that it would have been necessary for Belle Vernon to halt or reduce its permitted activity (i.e. accepting waste stream from Tervita) to attain compliance. Part B, Article II Section D of Belle Vernon's NPDES permit, provides "it shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit 40 CFR 122.41 (C)". Further, Belle Vernon's NPDES permit requires that Belle Vernon take "all necessary steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit...." Part B, Section I (F), see also 40CFR 122.41(m)(2). As such, Belle Vernon per its NPDES permit, has an affirmative duty to address and take steps to prevent

further violations of its permit due to Tervita's unacceptable waste discharge. Even the terms of Belle Vernon's NPDES permit itself makes it clear that the Authority has no choice but to shut off the Tervita waste stream until such time as Tervita can prove compliance to the Authority.

Our recommendation to shut of Tervita's waste stream to Belle Vernon to stop the interference with Belle Vernon's treatment process that Tervita's waste stream is causing to ensure that Belle Vernon once again can come into compliance with its NPDES permit, is consistent with the PADEP's written position on this very topic. According to PADEP's "Natural Gas Drilling in the Marcellus Shale NPDES Program Frequently Asked Questions", March 16, 2011, the PADEP has determined:

"[b]ecause there is a significant possibility that SGE wastewater may "pass through" the POTW, causing the POTW to violate its permit, cause "interference" with the POTW's operation, or contamination of biosolids, acceptance of the waste is not advisable unless its effects on the treatment system are well understood and the waste water is not reasonable expected to cause pass through or interference. POTW's cannot accept Marcellus waste water if acceptance of the waste water would result in violations of the POTW's permit..."

Emphasis Added. (See document attached as Exhibit E)

Despite PADEP's own written position, that a POTW cannot accept oil and gas waste water that causes the POTW to violate its NPDES permit, and despite Belle Vernon on multiple occasions reaching out to PADEP officials to advise it of the NPDES violations and its desire to stop total flow from Tervita that results in violations of its NPDES permit, the PADEP has not provided a workable solution consistent with its written position. Instead, the PADEP has wrongfully suggested a plan where Belle Vernon continues to take Tervita's waste in exchange for Tervita paying any fines Belle Vernon should expect associated with the current and past violations of its NPDES permit. Specifically, Donald Leone of the PADEP, advised and suggested to Belle Vernon's Engineers, KLH Engineers, Inc. that:

"Our waste management folks have talked to the landfill about entering into a COA (Consent Order and Agreement) where the landfill (Tervita) will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn, Belle Vernon would need to let the landfill stay connected to their system. The landfill is in the process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further, before we have an overall meeting with all parties, let me know. Since this is landfill leachate, it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater."

(PADEP email on 01/04/2019 to KLH Engineers, Inc. attached as Exhibit F)

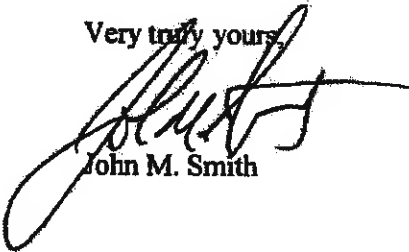
Belle Vernon Board Members
May 13, 2019
Page 6 of 6

This is not a workable, acceptable or legal solution to combat these ongoing NPDES violations. The PADEP's refusal to assist Belle Vernon to ensure its compliance with its NPDES permit in order to protect the environmental quality of the Monongahela River, the aquatic life of the river, any negative effects to Pennsylvania citizens that use the river, including downstream consumers of the water, has led to our recommendation that Belle Vernon provide notice to Tervita that Belle Vernon has no legal obligation or ability on any contractual basis, pursuant to its Agreement and its NPDES permit, to continue to accept its waste stream flow.

We recommend that the Authority Board vote on this matter, and if the Board agrees with our opinion, that it authorizes our firm as Special Counsel to send letters to Tervita, the PADEP and the EPA to provide all with notices that Belle Vernon Municipal Authority will no longer accept Tervita's waste stream and that Belle Vernon is terminating the Agreement with Tervita for the reasons set forth herein.

Based upon all of this information, it is our legal opinion that this Board vote to shut off Tervita's waste stream and terminate its contract with Tervita, following a notice period to Tervita that the Board deems acceptable.

Very truly yours,



John M. Smith

JMS/tmb
Enclosures

cc: Cliff Gorski
Walt Ziemba
Mayor Gerald Jackson
Frank Monack
Joe Minniti
Alan Benyak

4/4/2013

FW: Belle Vernon STP

From: John Mowry <jmowry@klhengineers.com>
To: 'gckmabv@aol.com' <gckmabv@aol.com>
Subject: FW: Belle Vernon STP
Date: Fri, Jan 4, 2019 7:39 am

John C. Mowry, P.E.

Email: jmowry@klhengineers.com

Office: 412.494.0510 Ext. 127

Fax: 412.494.0426

<http://www.klhengineers.com>

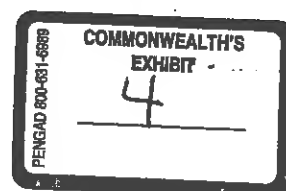
KLH

From: Leone, Donald [mailto:doleone@pa.gov]
Sent: Friday, January 04, 2019 7:36 AM
To: John Mowry <jmowry@klhengineers.com>
Cc: Kriley, Christopher <ckriley@pa.gov>; Greenwald, Stacey <sgreenwald@pa.gov>
Subject: Belle Vernon STP
Importance: High

John,

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further before we have an overall meeting with all parties let me know. Since this is landfill leachate it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater.

Let me know if you want a preliminary meeting.



4/4/2019

FW: Belle Vernon STP

Thanks.

Donald J. Leone, P.E. | Environmental Engineer Manager
Department of Environmental Protection | Clean Water
South West Regional Office Building
400 Waterfront Drive | Pittsburgh, PA 15222
Phone: 412.442.4059 | Fax: 412.442.4328
www.depweb.state.pa.us

Members of the Board of The
Municipal Authority Of The
Borough of Belle Vernon
P.O. Box 181
Belle Vernon, Pennsylvania 15012

May 9, 2019

Dear Board Members:

As you are all aware, your Board retained the services of our Law Firm to review documents and contractual waste stream issues in order to provide recommendations regarding the Landfill Leachate from the Rostraver Township Sanitary Landfill that The Belle Vernon Municipal Authority is currently under contract to accept and treat. Based upon our review of documents provided by The Belle Vernon Municipal Authority ("Belle Vernon") to date, as well as conversations with the Authority's Supervisor, Guy Kruppa regarding his meetings and conversations with the Pennsylvania Department of Environmental Protection ("PADEP"), and Tervita Rostraver Township Sanitary Landfill ("Tervita"), it is our recommendation that Belle Vernon advise Tervita in writing that Belle Vernon will no longer be accepting any Landfill Leachate from its site per the Sewage Service Agreement (the "Agreement") between the parties and that the waste stream from its facility will be shut off consistent with the terms of the Agreement. (See Agreement attached as **Exhibit A**) We also recommend, pursuant to Belle Vernon's National Pollution Discharge Elimination System Permit (NPDES) Section III (C)(4)(a)(ii), that Belle Vernon immediately notify the known downstream users of the Monongahela River of the specific parameter discharges that exceed Belle Vernon's NPDES permit.

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unconventional oil and gas extraction (including but not limited to drilling muds, cuttings, produced sand and produced water) into publicly owned treatment works.”

Belle Vernon’s NPDES permit requires that it operate its facility consistent with the regulations set forth in it. Pursuant to Article II Section (f) of the Agreement, Belle Vernon is to take and treat the landfill leachate from Tervita to the extent it allows Belle Vernon to operate its facility consistent with its permit. It is our understanding, based upon documents authored by Belle Vernon’s Engineer, as well as in speaking with Mr. Kruppa, that it has been determined by the Engineer and Belle Vernon that it is Tervita’s waste stream that has caused the exceedances leading to the violations of Belle Vernon’s NPDES permit. Since Tervita has been determined to be the source of the resulting permit violations, Tervita has caused Belle Vernon to not be able to operate its facility pursuant to the applicable NPDES permit regulations in violation of Article II Section (f) of the Agreement. Moreover, it appears Tervita, due to its contaminated waste stream interfering with Belle Vernon’s treatment operations, may also be found in violation of 40 CFR 403.3 (k)(1), which prohibits Tervita from introducing pollutants into a POTW that are inconsistent with the POTW’s chosen method of disposal. Additionally, Belle Vernon’s NPDES permit does not allow it to discharge any fluids that have a sheen, or contain oil and grease that may cause sheen or film to the receiving waters once it is discharged pursuant to Section A (1) (b), (c) and (d).

It is our understanding in conversations with Mr. Kruppa, that he brought this matter to the attention of the PADEP. It is also our understanding that Belle Vernon’s Engineers, KLH Engineers, Inc., have on multiple occasions advised Tervita that its waste stream was causing Belle Vernon to violate the terms of its NPDES permit. Due to Mr. Kruppa’s persistence with the PADEP, the PADEP requested that Tervita implement a pretreatment system for its waste stream to eliminate parameters contributing to Belle Vernon’s violations of its NPDES permit. While this pretreatment system was apparently implemented by Tervita after months of negotiations and subsequent permitting by the PADEP, it is our current understanding that that pretreatment system could not and did not treat Tervita’s waste stream to control and/or eliminate the parameters causing the exceedances. In fact, it is our understanding that this pretreatment system implemented by Tervita was so unsuccessful in pretreating Tervita’s waste stream to make it acceptable for Belle Vernon’s facility that the PADEP has advised that it was shut down and has been removed completely from the site. Given this development, and based upon the requirements as set forth in Belle Vernon’s NPDES permit, Belle Vernon has little choice but to shut off the waste stream from Tervita in order to operate in compliance with its NPDES permit.

Belle Vernon's NPDES permit clearly states that Belle Vernon's noncompliance with its permit subjects it to **civil and criminal penalties** and that it cannot use as a defense to any civil or criminal action implemented against it by the PADEP that it would have been necessary for Belle Vernon to halt or reduce its permitted activity (i.e. accepting waste stream from Tervita) to attain compliance. Part B, Article II Section D of Belle Vernon's NPDES permit, provides "it shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit 40 CFR 122.41 (C)". Further, Belle Vernon's NPDES permit requires that Belle Vernon take "all necessary steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit...." Part B, Section I (F), see also 40CFR 122.41(m)(2). As such, Belle Vernon per its NPDES permit, has an affirmative duty to address and take steps to prevent further violations of its permit due to Tervita's unacceptable waste discharge. Even the terms of Belle Vernon's NPDES permit itself makes it clear that the Authority has no choice but to shut off the Tervita waste stream until such time as Tervita can prove compliance to the Authority.

Our recommendation to shut of Tervita's waste stream to Belle Vernon to stop the interference with Belle Vernon's treatment process that Tervita's waste stream is causing to ensure that Belle Vernon once again can come into compliance with its NPDES permit, is consistent with the PADEP's written position on this very topic. According to PADEP's "Natural Gas Drilling in the Marcellus Shale NPDES Program Frequently Asked Questions", March 16, 2011, the PADEP has determined:

"[b]ecause there is a significant possibility that SGE wastewater may "pass through" the POTW, causing the POTW to violate its permit, cause "interference" with the POTW's operation, or contamination of biosolids, acceptance of the waste is not advisable unless its effects on the treatment system are well understood and the waste water is not reasonable expected to cause pass through or interference. **POTW's cannot accept Marcellus waste water if acceptance of the waste water would result in violations of the POTW's permit...**"

Emphasis Added. (See document attached as **Exhibit E**)

Despite PADEP's own written position, that a POTW cannot accept oil and gas waste water that causes the POTW to violate its NPDES permit, and despite Belle Vernon on multiple occasions reaching out to PADEP officials to advise it of the NPDES violations and its desire to stop total flow from Tervita that results in violations of its NPDES permit, the PADEP has not provided a workable solution consistent with its written position. Instead, the PADEP has wrongfully suggested a plan where Belle Vernon continues to take Tervita's waste in exchange for Tervita paying any fines Belle Vernon should expect

associated with the current and past violations of its NPDES permit. Specifically, Donald Leone of the PADEP, advised and suggested to Belle Vernon's Engineers, KLH Engineers, Inc. that:

"Our waste management folks have talked to the landfill about entering into a COA (Consent Order and Agreement) where the landfill (Tervita) will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove liability from Belle Vernon for current and past violations. In turn, Belle Vernon would need to let the landfill stay connected to their system. The landfill is in the process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running – so they eventually should not be a problem for Belle Vernon. If your client wants a meeting to discuss further, before we have an overall meeting with all parties, let me know. Since this is landfill leachate, it will not go away if the landfill closes – so the state has some concerns here in reference to continuity of service for the wastewater."

(PADEP email on 01/04/2019 to KLH Engineers, Inc. attached as **Exhibit F**)

This is not a workable, acceptable or legal solution to combat these ongoing NPDES violations. The PADEP's refusal to assist Belle Vernon to ensure its compliance with its NPDES permit in order to protect the environmental quality of the Monongahela River, the aquatic life of the river, any negative effects to Pennsylvania citizens that use the river, including downstream consumers of the water, has led to our recommendation that Belle Vernon provide notice to Tervita that Belle Vernon has no legal obligation or ability on any contractual basis, pursuant to its Agreement and its NPDES permit, to continue to accept its waste stream flow.

We recommend that the Authority Board vote on this matter, and if the Board agrees with our opinion, that it authorizes our firm as Special Counsel to send letters to Tervita, the PADEP and the EPA to provide all with notices that Belle Vernon Municipal Authority will no longer accept Tervita's waste stream and that Belle Vernon is terminating the Agreement with Tervita for the reasons set forth herein.

Based upon all of this information, it is our legal opinion that this Board vote to shut off Tervita's waste stream and terminate its contract with Tervita, following a notice period to Tervita that the Board deems acceptable.

Very truly yours,

John M. Smith

VERIFICATION

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

May 17, 2019
Date

Richard E. Bower
RICHARD E. BOWER, Esq.
District Attorney, Fayette County

May 17, 2019
Date

Eugene A. Vittone II
EUGENE A. VITTONI II, Esq.
District Attorney, Washington County

**COMMONWEALTH OF PENNSYLVANIA,
upon relation of
RICHARD BOWER, DISTRICT ATTORNEY
FAYETTE COUNTY and
EUGENE A. VITTONI, DISTRICT ATTORNEY
WASHINGTON COUNTY,**

**BELLE VERNON MUNICIPAL AUTHORITY,
TERVITA - ROSTRAVER TOWNSHIP SANITARY
LANDFILL,
ROSTRAVER TOWNSHIP SANITARY LANDFILL,
WESTMORELAND WASTE INC.,
WESTMORELAND WASTE CORP., AND
WESTMORELAND WASTE, LLC**

JUDGE LESKINEN

Prothonotary

2019 MAY 17 PM 3:57

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,)	CIVIL ACTION - LAW
upon relation of)	
RICHARD BOWER, DISTRICT ATTORNEY)	
FAYETTE COUNTY and)	
EUGENE A. VITTONI, DISTRICT ATTORNEY)	
WASHINGTON COUNTY,)	
)	
VS.)	No. of 2019 G.D.
)	
BELLE VERNON MUNICIPAL AUTHORITY,)	
TERVITA - ROSTRAVER TOWNSHIP SANITARY)	
LANDFILL,)	JUDGE
ROSTRAVER TOWNSHIP SANITARY LANDFILL,)	
WESTMORELAND WASTE INC.,)	
WESTMORELAND WASTE CORP., AND)	
WESTMORELAND WASTE, LLC)	
)	
)	
DEFENDANTS)	

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

AND NOW, comes the Commonwealth of Pennsylvania by and through relators, Richard Bower, Esq. District Attorney of Fayette County and Eugene A. Vittone II, Esq. District Attorney of Washington County and files this Petition, the following averments of which are as follows:

1. The Relator, Richard Bower is the duly elected District Attorney of Fayette County with an office address of Fayette County District Attorney's Office, Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401.
2. Relator, Eugene A. Vittone is the duly elected District Attorney of Washington County with a business address of 1 South Main Street Suite 1003 Washington, PA 15301.

3. Defendant Municipal Authority of the Borough of Belle Vernon is a Pennsylvania municipal authority with a post office address of P.O. Box 181 Belle Vernon, PA 15012 and a physical address of 10 Main Street Belle Vernon, Fayette County, PA.
4. Defendant Tervita – Rostraver Township Sanitary Landfill, is a business entity at Tervita – Rostraver Township Sanitary Landfill, 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
5. Defendant Rostraver Township Sanitary Landfill has an address of 111 Conner Lane Belle Vernon, PA 15012, with a physical address of 901 Tyrol Blvd Belle Vernon, PA 15102.
6. Defendant Westmoreland Waste Inc., has an address at 1428 Delberts Drive Monongahela, PA 15063.
7. Defendant Westmoreland Waste Corp. has an address of RD #3 Box 60 Monongahela, PA 15063.
8. Defendant Westmoreland Waste, LLC, has an address of 1428 Delberts Drive Monongahela, PA 15063.

JURISDICTION

9. District Attorney Bower and District Attorney Vittone are vested under the “Clean Streams Act” (35 P.S. 691.601- Abatement of Nuisances), to bring actions to abate nuisances which violate the Clean Streams Act.

BACKGROUND

10. Tervita operates a landfill situate in Rostraver, Westmoreland County, Pennsylvania.
11. This landfill accepts, in addition to normal refuse, cuttings from oil and gas wells drilled in Southwestern Pennsylvania.

12. These cuttings comprise many different chemicals including but not limited to oil, diesel fuel, phenols and other substances.
13. These cuttings are buried within the landfill.
14. When rain occurs, water will leach through the cuttings and become contaminated with the chemicals from the cuttings.
15. The Municipal Authority of Belle Vernon is a waste water treatment facility. The Municipal Authority has a contract with Tervita to accept this contaminated water.
16. The water, which is contaminated with the chemicals, is then collected in a pipe which transports the contaminated water to the municipal authority of Belle Vernon waste water treatment facility.
17. The authority has a NPDES permit to treat this water, and following treatment, discharges this water into the Monongahela River.
18. Communities in Washington, Fayette, Allegheny and Westmoreland all derive some water from the Monongahela River. The Monongahela River is the water source for many communities contiguous to the river including but not limited to Charleroi, Donora, Monessen, Monongahela, and Elizabeth.

FACTS

19. On or about August 16, 2018, the Municipal Authority of Belle Vernon notified Tervita by letter that analytical results of a sample of treated water was in violation of permitted standards for certain chemicals. (Exhibit "1" Letter from Walter Ziemba to Tervita which is attached and incorporated by reference thereto as if set forth fully herein).

20. The Municipal Authority investigated this situation and determined that Tervita was sending 100,000 to 300,000 gals/day of contaminated water to the Municipal Authority for treatment.
21. The NDPES permit issued to the Municipal Authority only permits 50,000 gals/ day of contaminated water to be treated at the authority.
22. An engineering firm hired by the authority determined that the excess volume of contaminated water flowing into the municipal authority for treatment rendered treatment of all waste water ineffective and consequently the authority was acting simply as a pass-through for the contaminated water on its way to the Monongahela River.
23. John C. Mowry, P.E., has found that, “[d]ue to the ongoing discharges, the Belle Vernon Municipal Authority cannot continue to comply with its NPDES permit which causes it to discharge various and unknown pollutants into the Monongahela River, which could serve to effect aquatic life and down river users of the river water for drinking water purposes.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
24. Mr. Mowry further opines, “[i]n my professional opinion, as the landfill has shown no ability to bring its wastewater into compliance, Belle Vernon cannot continue to accept leachate from the landfill, as to do so would result in continual effluent violations of its permit and ongoing discharges of pollutants into the Monongahela River, threatening the wellbeing of other downstream users of the river.” See Affidavit of John C. Mowry, P.E., attached hereto as Exhibit 2.
25. Mr. Guy Kruppa, Superintendent of the Belle Vernon Municipal Authority, finds that “Although the Pretreatment System was implemented by Tervita, it was completely unsuccessful in treating Tervita’s waste such that its waste continued to contaminate

Belle Vernon's Treatment Facility causing Belle Vernon to continue to receive contaminants it was unable to properly treat before discharging it into the Monongahela River in violation of its NPDES permit." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

26. Mr. Guy Kruppa further finds that "Belle Vernon performed additional testing and analysis of ... Tervita's waste stream which sits up gradient from the Belle Vernon Facility. That testing demonstrated as that Tervita's was stream was contaminated with diesel fuel constituents as well as oil and grease." See Affidavit of Guy Krupp, attached hereto as Exhibit 3.

27. The Municipal Authority repeatedly contacted the Pennsylvania Department of Environmental Protection about its concerns and in an e-mail dated January 4, 2019 was told:

Our Waste Management Folks have talked to the landfill about entering into a COA where the landfill will agree to pay any penalties for effluent violations at the Belle Vernon plant under that COA. What this does is remove any liability from Belle Vernon for current and past violations. In turn Belle Vernon would need to let the landfill stay connected to their system. The landfill is in process of constructing a pretreatment plant. The landfill will also be looking to take their waste elsewhere after the pretreatment facility is up and running- so they eventually should not be a problem for Belle Vernon. If your client. . . Since this is landfill leachate it will not go away if the landfill closes- so the state has some concerns here in reference to continuity of service for the wastewater.

(Exhibit #4- E-mail of Leone incorporated by reference thereto as if set forth fully herein).

28. On May 15, 2019, the Municipal Authority upon advice of counsel voted to terminate the contract with Tervita and cease accepting contaminated water from Tervita. This action

is to be effective of June 1, 2019. (Exhibit #5- Letter of John Smith, Esq. to Municipal Authority May 13, 2019 which is incorporated by reference thereto as if set forth fully herein).

29. In exigent circumstances, an ex parte hearing may occur, the result of which is an emergency preliminary injunction. Pa.R.Civ.P. 1531. Relators have no adequate remedy at law to redress the harm and injury that will be caused by Defendants continuing to introduce contaminated water into the Monongahela River, which is source of drinking water and recreation for many communities.

30. The law is clear that:

The essential prerequisites of a preliminary injunction are as follows:

- (1) The injunction is necessary to prevent immediate and irreparable harm not compensable in money damages.
- (2) Greater injury will result from refusing the injunction than from granting it.
- (3) The injunction restores the parties to status quo ante.
- (4) The activity sought to be restrained is actionable, and the plaintiff's right to relief is clear.

The Woods at Wayne Homeowners Assn. v. Gambone Brothers Construction Co, Inc.,
893 A.2d 196, 204 (Pa. Commonwealth Ct. 2006).

31. Upon information and belief, the actions of the defendants are in clear violation of the Clean Streams Act in permitting contaminated water to be introduced into the Monongahela River.

32. Without injunctive relief, the public will be harmed by the introduction of chemicals which are not being tested into the Monongahela River.

33. It is averred that several of the chemicals identified in the contaminated water are known carcinogens and are dangerous to humans.

34. The Commonwealth's interest in protecting the citizens and ensuring the protection of the environment can only be achieved through the grant of injunction prohibiting defendants from releasing into the Monongahela River any contaminants from the Tervita Landfill.
35. The Relators have notified Chief Deputy Attorney General, Rebecca Franz, about this action.

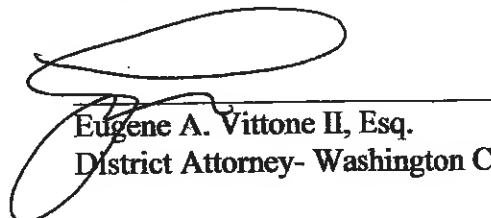
WHEREFORE, the Plaintiff prays that this Court:

1. Preliminarily and permanently:
 - a. Enjoin the Defendants from discharging into the Monongahela River any effluent which contains contaminated chemicals from the Defendants.
 - b. Enjoin the Defendants from sending, or passing through, water, waste, wastewater, discharge, contaminants, effluent, pollutants, leachate, sludge, biological processes, or any other substances to the Belle Vernon Municipal Authority.
 - c. Grant the Commonwealth of Pennsylvania such other and further relief as may be deemed necessary or appropriate.

Respectfully submitted,



Richard E. Bower, Esquire
District Attorney- Fayette County




Eugene A. Vittone II, Esq.
District Attorney- Washington County

VERIFICATION

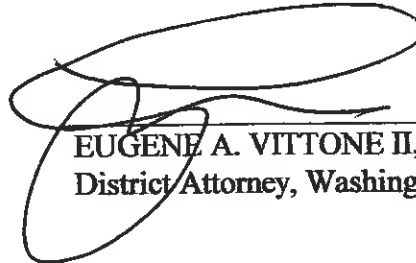
I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

May 17, 2019
Date



RICHARD E. BOWER, Esq.
District Attorney, Fayette County

May 17, 2019
Date



EUGENE A. VITTONI II, Esq.
District Attorney, Washington County